

NOTICE OF FILING

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	5/08/2026 11:32:24 AM AEST
Date Accepted for Filing:	5/08/2026 11:32:29 AM AEST
File Number:	VID552/2026
File Title:	THE COMMONWEALTH OF AUSTRALIA v 3M COMPANY (DELAWARE COMPANY NUMBER 262413) & ANOR
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Sia Lagos".

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Form 59
Rule 29.02(1)

Affidavit

No. VID 552 of 2026

Federal Court of Australia
District Registry: Victoria
Division: General

THE COMMONWEALTH OF AUSTRALIA

Applicant

3M COMPANY (DELAWARE COMPANY NUMBER 262413)

First Respondent

3M AUSTRALIA PTY LTD (ACN 000 100 096)

Second Respondent

Affidavit of: **Aoife Mary Xuereb**
Address: Level 22, 80 Collins Street, Melbourne, Victoria 3000
Occupation: Australian Legal Practitioner
Date: 5 August 2026

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Aoife Mary Xuereb in support of the orders that the Respondents will seek at the first case management hearing on 7 August 2026	1-57	1-20
2	Exhibit "AMX-1", being a bundle of the documents referred to in this Affidavit	6	21-81

Filed on behalf of (name & role of party) 3M Company (Delaware Company Number 262413) and 3M Australia Pty Ltd (ACN 000 100 096)
Prepared by (name of person/lawyer) Aoife Xuereb
Law firm (if applicable) Herbert Smith Freehills Kramer
Tel 03 9288 1874 Fax
Email Aoife.Xuereb@hsfkramer.com
Address for service Herbert Smith Freehills Kramer, Level 22, 80 Collins Street, Melbourne VIC 3000
(include state and postcode)

[Version 3 form approved 02/05/2019]

I, Aoife Mary Xuereb, Australian Legal Practitioner, of Level 22, 80 Collins Street, Melbourne, Victoria 3000, affirm and say that:

1. I am a partner of Herbert Smith Freehills Kramer (**HSF Kramer**), the solicitors for the Respondents in this Proceeding. Together with Peter Briggs, also a partner of HSF Kramer, I have carriage and conduct of this Proceeding on behalf of the Respondents.
2. I have over 18 years' experience in conducting large-scale commercial litigation with specialist expertise in class actions, product liability and regulatory investigations both in the Federal Court of Australia and the Supreme Courts of states of Australia. I have acted for parties in various large-scale commercial litigation, including in:

Krisoula El-Helou v Mercedes-Benz Australia/Pacific Pty Ltd & Ors S ECI 2024 00234;

William Lay & Anor v Nuix Limited & Ors S ECI 2021 04360;

Kelvin McNickle v Huntsman Chemical Company Australia Pty Ltd & Ors VID243/2020;

Directed Electronics OE Pty Ltd & Anor v Isuzu Australia Limited & Ors VID547/2020;

Brett William Evans v Davantage Group Pty Ltd VID982/2018;

Louise Haselhurst v Toyota Motor Corporation Australia Ltd 2017/340824;

Perfection Fresh Australia Pty Ltd & Ors v Melbourne Market Authority S ECI 02567 2013;

Lynette Suzanne Rowe v Grunenthal GMBH & Ors S C1 2011 3527;

Aaron Grant v Commonwealth Bank of Australia Ltd VID1484/2011; and

Radhika Pankaj Oswal v Australia and New Zealand Banking Group Limited & Ors SCI 2011 4653.

3. My partner Mr Briggs has over 35 years' experience advising on environmental law matters, including in relation to complex contaminated land investigation and assessment, reporting and engagement with state regulators, remediation and related litigation. Mr Briggs has acted for parties in contaminated land litigation including:

Opal Packaging Australia Pty Ltd v Orora Limited S ECI 2023 02183;

Orica Australia Pty Ltd v Environment Protection Authority NSWLEC 2020 212653;

Penrith Lakes Development Corporation v WSN Environmental (FCA);



Sydney Water Corporation v Jeffman Pty Ltd and Lawrence Dry Cleaners Pty Ltd (NSWSC);

Williams & Or v Perpetual Trustees (NSWSC);

Williams & Or v Abbott Australasia Pty Limited NSWSC 2002 500095; and

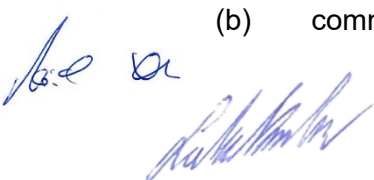
Cockatoo Dockyard Pty Ltd v Commonwealth of Australia (arbitration and related proceedings).

Mr Briggs has also advised numerous clients on environmental regulatory matters, investigations and disputes concerning contaminated land, land and water pollution and contamination issues, including Lendlease, AGL, Port Kembla Copper and Port Kembla Properties Pty Ltd, DRiV Automotive Inc and Monroe Springs (Australia) Pty Ltd, Orica Australia, Caltex, Transport for New South Wales, WSN, and Barangaroo Delivery Authority.

4. I am authorised to make this affidavit on the Respondents' behalf. Unless otherwise stated, I make this affidavit based on my own knowledge. Where I make statements based on information provided to me by another person, I believe that information to be true and correct.
5. By making this affidavit, I do not intend, and have no authority, to waive privilege and/or confidentiality in any communication or record of communication that is the subject of the Respondents' legal professional privilege and/or confidentiality. Nothing in this affidavit ought to be construed as constituting a waiver of privilege and/or confidentiality. To the extent that anything in this affidavit may be construed as involving a waiver of privilege and/or confidentiality, I withdraw and do not rely on that part of the affidavit. Further, nothing in this affidavit ought to be construed as constituting any admission of the allegations made by the Applicant in this Proceeding.
6. Now produced and shown to me and marked **Exhibit AMX-1** is a paginated bundle of documents comprising true copies of the documents which I refer to in this affidavit.

A. Structure and overview of this affidavit

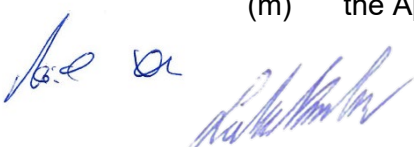
7. I make this affidavit in support of the orders that the Respondents will seek at the first case management hearing in the Proceeding listed for 7 August 2026.
8. In the following sections of my affidavit, I address:
 - (a) the allegations made in the Statement of Claim in this Proceeding (**Section B**), including the number and complexity of the allegations;
 - (b) communications between the parties in relation to the Proceeding (**Section C**);



- (c) steps which have been taken by the Respondents since they were served with the Statement of Claim in the Proceeding (**Section D**); and
- (d) the Respondents' proposed timetable and steps which need to be taken by the Respondents to prepare their Defence in the Proceeding, including to identify and plead any cross-claims, and/or claims of apportionment, and/or claims of contributory negligence, and any Notices and Statements of Cross-Claim, and the time required for these steps (**Sections E to H**).

B. The allegations made in the Statement of Claim in this Proceeding

- 9. The Statement of Claim in this Proceeding, running to almost 1,600 pages, contains a large number of allegations, including allegations which give rise to complex and detailed legal, factual and technical issues involving areas of expertise across a number of disciplines. The period of time relevant to the claim spans eight decades from the 1940s to the present, and the relief sought by the Applicant includes alleged future losses and alleged reasonable future costs.
- 10. The Statement of Claim is divided into 15 parts and addresses the Applicant's allegations in relation to:
 - (a) the parties in Part A;
 - (b) the Applicant's Bases in Part B;
 - (c) the properties and development of 3M AFFF in Part C;
 - (d) the emergence of environmental and toxicity concerns with 3M's fluorochemical products in Part D;
 - (e) procurement of 3M AFFF by Defence in Part E;
 - (f) use of 3M AFFF by Defence in Part F;
 - (g) investigation of potential contamination, identification of contamination and ongoing monitoring in Part G;
 - (h) contamination pathways and receptors at the Bases and surrounding areas in Part H;
 - (i) remediation and mitigation activities in Part I;
 - (j) costs arising from PFAS contamination in Part J;
 - (k) the Applicant's claim in respect of public nuisance in Part K;
 - (l) the Applicant's claim under the *Environment Protection Act 2017* (Vic) in Part L;
 - (m) the Applicant's claim in misleading or deceptive conduct in Part M;



- (n) the relief sought by the Applicant in Part N; and
 - (o) Table A which is referred to in various parts of the Statement of Claim.
11. The Applicant's specific allegations in relation to each of the 28 Bases the subject of the Proceeding are set out in each of the 27 Schedules to the Statement of Claim. The Schedules to the Statement of Claim are each divided into 10 parts and address the Applicant's allegations in relation to:
- (a) the nature and characteristics of each Base in Part A;
 - (b) the nature and characteristics of land proximate to each Base in Part B;
 - (c) water usage at each Base and the surrounding areas in Part C;
 - (d) use and management of 3M AFFF at each Base in Part D;
 - (e) investigation and ongoing monitoring activities at each Base and surrounding areas in Part E;
 - (f) contamination, pathways and receptors at each Base and surrounding areas in Part F;
 - (g) PFAS Investigation and/or Management Areas and the imposition of any restrictions and/or guidelines in Part G;
 - (h) remediation and mitigation activities in Part H;
 - (i) costs arising from contamination of each Base and surrounding areas in Part I; and
 - (j) Annexures to the Schedules, which include tables and various maps.
12. The whole of the Statement of Claim including its 27 Schedules runs to almost 1,600 pages and refers to approximately 2,500 documents (which, when they were provided to the Respondents on 7 July 2026, totalled approximately 69.6 GB of data). The allegations in the body of the Statement of Claim are made over 214 numbered paragraphs, together with a glossary and Table A, and detailed particulars are provided for many of the paragraphs (including by reference to voluminous documents). The allegations made in each of the 27 Schedules are of varying lengths of up to 72 pages and up to 38 numbered paragraphs for each Schedule, together with detailed particulars for many of the allegations.

Handwritten signature and initials in blue ink, located at the bottom left of the page.

C. Communications between the parties in relation to the Proceeding

13. Prior to the filing of this Proceeding, the Respondents did not receive notice from the Applicant of its intention to commence proceedings or of the issues the subject of the Proceeding, nor did the Applicant engage with the Respondents to seek to resolve its allegations.
14. On 28 May 2026, the Applicant filed and served its Originating Application, Statement of Claim and Genuine Steps Statement in this Proceeding on the Second Respondent. A copy of the Applicant's solicitors' covering letter dated 28 May 2026 is at page 22 of Exhibit AMX-1.
15. The First Respondent was served with the Originating Application, Statement of Claim and Genuine Steps Statement on 15 June 2026 under cover of a letter from the Applicant's solicitors dated 2 June 2026. A copy of this covering letter is at page 23 of Exhibit AMX-1.
16. Also on 28 May 2026, the Applicant's solicitors sent a letter addressed to the Respondents providing formal notice of the Applicant's intention to commence proceedings. A copy of this letter is at pages 24-30 of Exhibit AMX-1.
17. Since 28 May 2026, the Respondents have engaged with the Applicant in relation to the Proceeding, including through the following correspondence:
 - (a) on 3 June 2026, the Second Respondent sent an email to the Applicant's solicitors acknowledging receipt of their letter dated 28 May 2026 and requesting additional time to respond. A copy of the email is at pages 31-32 of Exhibit AMX-1.
 - (b) on 4 June 2026, the Applicant's solicitors agreed to the Second Respondent's request of 3 June 2026. A copy of this letter is at page 33 of Exhibit AMX-1;
 - (c) on 24 June 2026, HSF Kramer sent the following two letters to the Applicant's solicitors:
 - i. a letter enclosing the Respondents' notice of address for service and genuine steps statement. A copy of this letter and its enclosures is at pages 34-40 of Exhibit AMX-1; and
 - ii. a letter informing the Applicant that the Respondents will require additional time to file their Defence in the Proceeding beyond the time provided for in Rule 16.32 of the *Federal Court Rules 2011* (Cth). A copy of this letter is at page 41 of Exhibit AMX-1;



- (d) on 30 June 2026, HSF Kramer wrote to the Applicant's solicitors requesting copies of the documents referred to in the Statement of Claim, including the Schedules. A copy of this letter is at page 42 of Exhibit AMX-1;
- (e) on 6 July 2026, HSF Kramer received a letter from the Applicant's solicitors which confirmed that the Applicant intended to provide the Respondents with copies of the documents referred to in the Statement of Claim by the following day. A copy of this letter is at page 43 of Exhibit AMX-1;
- (f) on 7 July 2026, HSF Kramer received a letter from the Applicant's solicitors providing a link to access copies of approximately 2,500 documents referred to in the Statement of Claim and the Schedules. A copy of this letter is at page 44 of Exhibit AMX-1;
- (g) on 17 July 2026, HSF Kramer received a letter from the Applicant's solicitors requesting that the Respondents provide their proposed timetable for the filing of their Defence, together with the orders the Respondents intend to seek at the first case management hearing. A copy of this letter is at pages 45 of Exhibit AMX-1;
- (h) on 27 July 2026, HSF Kramer sent a letter to the Applicant's solicitors in relation to the time that will be required for the Respondents to prepare their Defence in the Proceeding, including in respect of any cross-claims, and/or claims of apportionment, and/or claims of contributory negligence, and any notices of cross-claim, together with a proposed minute of order providing two alternative proposals. A copy of this letter and its enclosure is at pages 46-54 of Exhibit AMX-1;
- (i) on 30 July 2026, HSF Kramer received a letter from the Applicant's solicitors in response to HSF Kramer's letter dated 27 July 2026 and which enclosed the Applicant's competing proposed orders for the first case management hearing. A copy of this letter and its enclosure is at pages 55-59 of Exhibit AMX-1;
- (j) on 3 August 2026, HSF Kramer sent a letter to the Applicant's solicitors in response to their letter of 30 July 2026 noting, among other things, that the Respondents continue to propose the orders enclosed with their letter dated 27 July 2026. A copy of this letter is at pages 63-66 of Exhibit AMX-1; and
- (k) on 5 August 2026, HSF Kramer sent the following two letters to the Applicant's solicitors:



- i. a letter requesting certain information regarding the use of AFFF by the Applicant at the Bases, other than 3M AFFF. A copy of this letter is at pages 67-68 of Exhibit AMX-1; and
 - ii. a letter requesting further and better particulars. A copy of this letter is at pages 69-77 of Exhibit AMX-1.
- 18. In addition to the above correspondence, the Respondents have also considered and responded to a request from the Court in relation to non-party access to the Originating Application and Statement of Claim in the Proceeding. A copy of HSF Kramer's emails to the Court dated 1 July 2026, 8 July 2026 and 10 July 2026 is at pages 78-81 of Exhibit AMX-1.

D. Steps taken by the Respondents since receiving the Statement of Claim

- 19. Since 28 May 2026, the steps taken by the Respondents in the Proceeding have included the following:
 - (a) engaging HSF Kramer and briefing Counsel to act for them in the Proceeding;
 - (b) filing a Notice of Address for Service and the Respondents' Genuine Steps Statements on 24 June 2026;
 - (c) reviewing and preparing the correspondence referred to in Section C above;
 - (d) commencing the review and consideration of the documents referred to in the Statement of Claim once they were provided by the Applicant on 7 July 2026;
 - (e) commencing the review and consideration of any interlocutory applications which might be brought by the Respondents in the proceeding. Consideration of these matters is ongoing at this time and the Respondents reserve their rights to bring to any such applications;
 - (f) commencing the review and consideration of the allegations made in the Statement of Claim and the Respondents' Defence to those allegations, and the legal issues which arise from the claim, including commencing the review and consideration of the novel legal questions raised by the Applicant's claim in public nuisance and its claim under the *Environment Protection Act 2017* (Vic). I address the work required to continue to consider and prepare the Respondents' Defence in the proceeding in further detail in Sections E to H of this affidavit;
 - (g) commencing the review and consideration of the technical areas of expertise which will likely be required to respond to the allegations in the Proceeding, together with progressing enquiries of experts in these areas. I address the work



required to continue to progress these matters in further detail in Section G of this affidavit;

- (h) commencing the review and consideration of any cross-claims, claims for apportionment and claims for contributory negligence. I address the work required to continue to consider and prepare any Notices and Statements of Cross-Claim in further detail in Section H of this affidavit;
- (i) commencing the review and consideration of any requests to the Applicant for further and better particulars of the allegations made in the Statement and Claim and its Schedules, including preparing the request referred to in paragraph 17(k)(ii) above. This review and consideration is ongoing at this time and will continue to be progressed by the Respondents; and
- (j) commencing the review and consideration of any requests for information and/or documents which may be made of the Applicant, including preparing HSF Kramer's letter of 5 August 2026 referred to in paragraph 17(k)(i) above. This review and consideration is ongoing at this time and will continue to be progressed by the Respondents.

E. The Respondents' proposed timetable

- 20. In this section and the following sections of my affidavit, I address the volume and complexity of the work that will be required for the Respondents to prepare their Defence, including pleading any cross-claims and/or claims of apportionment and/or claims of contributory negligence, and prepare any Notices and Statements of Cross-Claim.
- 21. As set out in HSF Kramer's letter to the Applicant's solicitors dated 27 July 2026, and for the reasons set out in the letter and this affidavit, I presently consider that the Respondents:
 - (a) will require until 11 December 2026 to prepare their Defence to Parts A, C, D, E, F, G.1, J, K, L, M, and N of the Statement of Claim. I address the basis and rationale for this timing in **Section F** below;
 - (b) will likely only be in a position to deny or not admit a significant portion of the allegations made in Parts B, G.2, H, I and the Schedules to the Statement of Claim by 11 December 2026. I address the basis and rationale for this in **Section G** below; and
 - (c) will require until at least 30 April 2027 to prepare an Amended Defence which pleads any cross-claims and/or claims of apportionment and/or claims of



contributory negligence, and prepare any Notices and Statements of Cross-Claim. I address the basis and rationale for this timing in **Section H** below.

F. Steps that need to be taken by the Respondents to prepare their Defence to Parts A, C, D, E, F, G.1, J, K, L, M, and N of the Statement of Claim

22. The allegations in Parts A, C, D, E, F, G.1 and J of the Statement of Claim are directed towards the Respondents' structure, their development of 3M AFFF and its properties, the emergence of alleged environmental and toxicity concerns with 3M AFFF, the procurement and use of 3M AFFF by the Applicant and the costs that have allegedly been incurred by the Applicant arising from PFAS contamination. These allegations are made with respect to the period from 1949 to 2026. Parts K, L, M and N are concerned with the pleaded causes of action and the claim for relief.
23. Based on my review of the Statement of Claim and the work undertaken by HSF Kramer and Counsel to date, I consider that the Respondents will need to undertake substantial factual enquiries in order to respond to the allegations in these Parts (in some cases, together with appropriately qualified experts). Based on my experience in large-scale litigation and that of Mr Briggs, with whom I have consulted, and having regard to the matters set out below, I consider that the Respondents will require until 11 December 2026 to prepare their Defence to these Parts.
24. With respect to Parts C and D, the Respondents will need to consider the Applicant's allegations regarding each Respondents' conduct and state of knowledge spanning the period from 1949 onwards. By way of example, in paragraph 19, the Applicant alleges that *"From about 1949 onwards, [the First Respondent] developed and manufactured a range of PFAS compounds"*. By way of further example, the Applicant also alleges that the Respondents knew or ought to have known of certain alleged properties of 3M AFFF by:
- (a) no later than 1972 (First Respondent) in paragraph 36;
 - (b) no later than 1973 (Second Respondent) in paragraph 37;
 - (c) at least 1979 (First Respondent and Second Respondent) in paragraphs 52 and 53; and
 - (d) no later than 1984, or alternatively 1994 (First Respondent and Second Respondent) in paragraphs 72 and 73.

In my experience, it is time-consuming, difficult and complex to make enquiries regarding, and to formulate a response to, allegations of a historical nature over a long period of time and where a substantial amount of time has passed since the relevant



events, including because the individuals involved may no longer be available to assist with enquiries and records may not be readily accessible.

25. With respect to the Applicant's allegations regarding the Respondents' state of knowledge, the Applicant alleges (in particulars) that information was received or obtained by individuals named in Table A, Part 1 (which Table includes 146 names) (by way of example, in paragraph 52(a)). HSF Kramer has commenced its review and consideration of the materials that are likely responsive to these allegations. While it is not necessary for the Respondents to plead to the particulars, it is necessary for the Respondents to make enquiries of or about those individuals, and to review the information said to have been received by them, in order to respond to allegations that the Respondents knew various things, at different points in time. Based on the enquiries and analysis undertaken by HSF Kramer to date, the review and consideration of these allegations for the purpose of providing a substantive response in the Respondents' Defence will be a factually complex inquiry due to the number of allegations (which run over approximately 98 pages), the number of people referred to, the number of documents referred to, and the time period involved in the allegations, which commences in the 1940s.
26. The Statement of Claim contains a large number of allegations relating to conduct, research and testing conducted outside of Australia, including in the United States. In order to respond to these allegations, it is necessary to make enquiries across different jurisdictions and locate potentially relevant document repositories in each of those jurisdictions. By way of example, paragraphs 30, 36, 42, 45, 46, 52, 53, 57, 58, 61, 62, 64, 72 and 73 of the Statement of Claim include allegations of this kind.
27. With respect to Part D (which contains the Applicant's allegations concerning the emergence of alleged environmental and toxicity concerns with 3M AFFF), it will be necessary for the Respondents to review (together with appropriately qualified experts) each of the technical reports referred to in the particulars. This will take a significant period of time, by reason of the volume of reports relied upon by the Applicant.
28. With respect to Parts E and F, it will be necessary for the Respondent to review and formulate their response to the Applicant's allegations regarding the Applicant's procurement and use of 3M AFFF in the period commencing in about 1966 (as set out in paragraph 75).
29. The Respondents will also need to consider publicly available information which is relevant to the allegations. By way of example, the Respondents will be considering whether any public statements made by the Applicant with respect to PFAS or 3M AFFF



are consistent with the Applicant's allegations in this Proceeding, including its approach to remediation of the 28 Bases the subject of this Proceeding.

30. In addition, some documents or records that may be necessary in preparing the Respondents' Defence may contain confidential information and the nature of these claims will also need to be assessed by the Respondents when preparing the Defence.
31. Each of the enquiries referred to above has commenced. But due to the breadth of the allegations, the period of time in respect of which they are made, and the volume and complexity of materials referred to in the particulars, the Respondents will not be in a position to formulate their Defence until 11 December 2026 in my reasonable estimation.

G. Steps to be taken by the Respondents to prepare their Defence to Parts B, G.2, H, I and the Schedules of the Statement of Claim

32. The allegations in Parts B, G.2, H, I and the Schedules to the Statement of Claim are directed towards matters which:
 - (a) are not within the Respondents' direct knowledge as they relate to the conduct of the Applicant and the 28 Bases the subject of this Proceeding; and/or
 - (b) will require substantial input from experts over a lengthy period of time due to the number and complexity of the allegations made.
33. Given the nature of the allegations in Parts B, G.2, H, I and the Schedules of the Statement of Claim, having regard to the matters set out below, the Respondents will likely only be in a position to deny or not admit a significant portion of the allegations by 11 December 2026.
34. In order to respond to the allegations in Parts B, G.2, H, I and the Schedules of the Statement of Claim, and in particular, the allegations as to the leaching of various chemicals into surface water and ground water, it will be necessary to undertake enquiries (including with experts) to understand the geology, geography, hydrology, layout, and uses of the Bases and the surrounding areas.
35. There are 27 Schedules, which make allegations with respect to 28 Bases. Using Schedule 21 as an example only, which is concerned with the East Sale Base, the Respondents need to undertake sufficient enquiries to respond to allegations regarding:
 - (a) the use of 3M AFFF by the Applicant at the East Sale Base between the early 1970s and about 2004;¹

¹ Statement of Claim, Schedule 21, [14]



- (b) the physical and environmental characteristics of the East Sale Base and land proximate to the East Sale Base, including their size and location, geological materials and aquifer units, its topography, drainage features and catchments, and land uses;
 - (c) the water usage at the East Sale Base and the surrounding areas, including in relation to groundwater usages, surface water usages and the drainage network;
 - (d) the use, storage, management and disposal of 3M AFFF by the Applicant at the East Sale Base;
 - (e) contamination sources, pathways and receptors and investigation, ongoing monitoring and management and potential remediation activities at the East Sale Base and surrounding areas, together with the costs of these activities.
36. The particulars to the paragraphs of the Schedules, including Schedule 21, refer to a substantial number of Site Assessment Reports, including sampling and analysis quality plans, site investigation reports, risk assessments, remediation and management reports, and ongoing monitoring reports at the Bases and surrounding areas. The Site Assessment Reports in the schedules were prepared over a lengthy period (ranging from approximately 1994 to 2026). The volume and detail in the Site Assessment Reports is substantial. By way of example, Schedule 21 contains references to 31 Site Assessment Reports which run to a total of approximately 28,419 pages. In addition to the volume of the material, the issues that are raised in the Site Assessment Reports involve complex technical issues, relating, by way of non-exhaustive examples, to sampling methodologies, sampling validity, laboratory testing validity and modelling (including statistical) validity.
37. In the case of East Sale Base, the reports identified in paragraph 36 above have been prepared over a period of approximately nine years (from October 2016 to November 2025) by at least four different consultants. I understand from HSF Kramer's enquiries to date that there may be inconsistencies in sampling or analysis methodologies which will need to be considered by the Respondents' consulting experts in the course of considering and preparing the Respondents' Defence to the allegations made in relation to the Base.
38. HSF Kramer has also identified further reports which have not been particularised in the Statement of Claim and which may need to be requested from the Applicant and considered. By way of example, the Preliminary Site Investigation dated October 2016 (prepared by Senversa) for East Sale Base refers to previous investigations and interviews from around 2009. The earliest document HSF Kramer has been provided



with in relation to East Sale Base is the Preliminary Site Investigation dated October 2016.

39. The Respondents have not yet formed a concluded view on the disciplines of expert evidence they will seek to rely on in the proceeding. For the purposes of considering which areas of expertise may potentially be required to prepare the Respondents' Defence in the proceeding, I have instructed solicitors on my team at HSF Kramer to review the expert evidence which has been relied on in a number of other Australian proceedings involving allegations of PFAS contamination in Australia, including the following proceedings:
- (a) *Perth Airport Pty Ltd v Airservices Australia* (WAD181/2022);
 - (b) *Australia Pacific Airports (Launceston) Pty Ltd v Airservices Australia* (TAD36/2021); and
 - (c) *Brisbane Airport Corporation Pty Ltd v Airservices Australia & Ors* (11343/17), (together, the **Airservices Litigation**).
40. Having regard to expert evidence referred to in the Airservices Litigation and HSF Kramer's enquiries with consulting experts to date, I consider that experts in the following disciplines will likely be considered and/or retained in this proceeding to assist with providing input to prepare the Respondents' Defence:
- (a) chemistry;
 - (b) epidemiology;
 - (c) toxicology;
 - (d) ecology;
 - (e) ecotoxicology;
 - (f) source, fate, and transport of PFAS;
 - (g) soils;
 - (h) geology;
 - (i) hydrology; and
 - (j) remediation.
41. On the basis of HSF Kramer's consideration and enquiries to date, I also consider that:
- (a) the particular features of particular Bases may also give rise to the need for further expert input in specific disciplines. By way of example, in relation to the East Sale Base, expertise may be required in relation to ecological receptors



specific to wetlands, given that Base's proximity to the Heart Morass Wildlife Reserve, Dowd Morass Wildlife Reserve, Sale Common, and Gippsland Lakes Ramsar site;

- (b) considering and identifying the disciplines of expertise required for the proceeding is likely to develop over time, including through enquiries of experts. By way of example, experts in particular disciplines may identify areas for further investigation or other disciplines which may require the Respondents to consider, engage and make enquiries of additional experts;
- (c) it is reasonable to expect that it will be necessary to sequence the technical input required to prepare the Respondents' Defence in the proceeding. By way of example, before an expert in the discipline of remediation can provide input as to whether any remediation undertaken was appropriate, it will likely be necessary to determine (a) what the remediation is addressing (which may require input from an expert in the discipline of fate and transport); and (b) what human or ecological receptors are present and the likelihood of risk to those receptors (which may require input from experts in the disciplines of epidemiology, toxicology, and/or ecotoxicology);
- (d) from HSF Kramer's preliminary enquiries of potential experts to date and my consultations with Mr Briggs, it is apparent that the number of individuals with the requisite expertise in Australia is relatively limited and a number of those individuals have, or are currently, undertaking work for the Applicant. I also understand from HSF Kramer's preliminary enquiries that the Applicant has been involved in a number of proceedings with some connection to PFAS and potential conflict issues will need to be considered. These proceedings include, by way of example:
 - i. *Gavin Smith & Ors v Commonwealth of Australia* (NSD1908/2016);
 - ii. *Bradley James Hudson & Ors v Commonwealth of Australia* (NSD1155/2017);
 - iii. *Kirsty Jane Bartlett & Anor v Commonwealth of Australia* (NSD1388/2018);
 - iv. *Reannan Laura Haswell & Anor v Commonwealth of Australia* (NSD431/2020);
 - v. *Wreck Bay Aboriginal Community Council & Anor v Commonwealth of Australia* (NSD70/2021);
 - vi. *Toowoomba Regional Council v Commonwealth of Australia* (13219/18); and



vii. the Airservices Litigation referred to above at paragraph 39 of my affidavit;

42. As at the date of this affidavit, HSF Kramer has conferred with 14 potential experts (based in both Australia and overseas) across five different disciplines to consider the assistance and role they may be able to undertake in the proceeding. For the reasons set out in paragraphs 32-41 above, I consider that a substantial period of time will be required to:
- (a) continue to identify consulting experts with the requisite expertise across a number of disciplines and undertake initial enquiries with those experts to identify the extent to which those individuals are conflicted and are otherwise able to be engaged by the Respondents in the Proceeding; and
 - (b) brief consulting experts with a detailed set of materials, allow sufficient time for those consulting experts to review and consider the materials and begin the process of progressing enquiries with those experts for the purposes of obtaining the input required to formulate the Respondents' Defence to the allegations relevant to the expert's discipline.

H. Steps that need to be taken by the Respondents to prepare an Amended Defence which pleads any cross-claims and/or claims of apportionment and/or claims of contributory negligence

43. Having regard to the matters set out below, based on my experience, I reasonably estimate that the Respondents will require until at least 30 April 2027 to prepare an Amended Defence which pleads any cross-claims and/or claims of apportionment and claims for contributory negligence, and to prepare Notices and Statements of Cross-Claim.
44. In Section G of my affidavit above, I depose to the expert engagements that I consider to be necessary in order for the Respondents to plead, with particularity, to the Statement of Claim, including Parts B, G.2, H, I and the Schedules of the Statement of Claim. The matters I address in Section G regarding the identification and engagement of experts also apply with respect to the preparation of an Amended Defence which pleads any cross-claims and/or claims of apportionment and claims for contributory negligence, and to the preparation of Notices and Statements of Cross-Claim, as input from experts will be required for any such pleas.
45. The steps that the Respondents need to undertake to plead any cross-claims, claims for apportionment and claims for contributory negligence (and to prepare Notices and Statements of Cross-Claim) include three categories of enquiry, analysis and consideration:



- (a) the first category relates to the identification of any other sources of PFAS used at the Bases and surrounding areas (whether AFFF or otherwise);
 - (b) the second category relates to the consideration of any misuse of 3M AFFF by or on behalf of the Applicant at the Bases and surrounding areas. For example, use in demonstrations of fire-fighting equipment to the public (as is alleged to have occurred at the Townsville Base in paragraph 11(c) of Schedule 16 of the Statement of Claim); and
 - (c) the third category relates to the preparation and consideration of complex statistical and mathematical modelling and analysis.
46. The first category is necessary in order to identify any third parties who may be responsible for, or have contributed to, the alleged contamination at the 28 Bases and surrounding areas.
47. The second category is necessary in order to determine whether the Applicant (or a third party acting on the Applicant's behalf) has contributed to its own alleged loss by misusing 3M AFFF at the Bases and surrounding areas.
48. The third category is necessary in order to identify and assess the merits of any cross-claims or claims for apportionment with respect to any third parties, and to prepare any Notices and Statements of Cross-Claim, and in order to plead any claims for contributory negligence.
49. These three categories of work can be progressed in parallel, but there are interrelationships between the work and sequencing considerations which will arise. I provide further detail in relation to the work required for each category below.
50. In relation to the first and second categories, the Respondents will need to consider other sources of PFAS or causes of contamination at or in the vicinity of each of the 28 Bases. By way of example, the Applicant alleges that it has shared parts of Townsville Base with the civilian airport for Townsville in paragraph 2(a) of Schedule 16, and that the Townsville Base is located in proximity to land used for industrial purposes in paragraph 5(a) of Schedule 16. To consider other sources of PFAS or causes of contamination at or in the vicinity of each of the 28 Bases, the Respondents need to:
- (a) request information from the Applicant regarding the use of other AFFF products by the Applicant (or third parties) at the 28 Bases, and the use of other PFAS-containing products by the Applicant (or third parties) at the Bases (for example, use in homewares, clothing, textiles) or in the vicinity of each of the 28 Bases;

As per [signature]

- (b) request information in relation to the Applicant's use of 3M AFFF at each of the 28 Bases; and
- (c) progress their own substantial enquiries regarding the use of PFAS-containing products by the Applicant and third parties at the 28 Bases and in the vicinity of each of the 28 Bases, including undertaking enquiries, considering relevant documentary records and publicly available information and issuing subpoenas. Parts of these enquiries will be unique to each of the 28 Bases as they will be informed by the nature, location and surrounding areas of each of the Bases. They will include searches of publicly available contaminated land databases maintained by environmental regulators and/or local Councils relevant to each Base and other relevant publicly available information.

As I refer to in Section C of my affidavit, a letter requesting the information referred to in subparagraphs (a) and (b) above was sent to the Applicant on 5 August 2026. A copy of this letter is at pages 67-68 of Exhibit AMX-1.

- 51. In relation to the third category, having regard to the information received from the Applicant, any documents received from subpoenas, and the Respondents' review of the Site Assessment Reports and publicly available information, the Respondents will need to establish a bespoke electronic database to record spatial data (where samples were taken) and chemistry data (what was found in each sample) and prepare a model of that data.
- 52. Once the database is established, the Respondents will then input the spatial and chemistry data from the Site Assessment Reports into the database. The Respondents will need to request the Applicant to provide such data in native form. Once the data has been received in native form, the process involved in inputting the data will be iterative and involve verification against the Site Assessment Reports. Based on HSF Kramer's enquiries to date, I understand that the process of inputting and verifying data is likely to take many months, including due to the volume of data in documents referred to in the Applicant's Statement of Claim.
- 53. Once the database has been established and the relevant data has been input into the database, the Respondents will then need to:
 - (a) test the accuracy of the findings reached in the Site Assessment Reports, which will involve analysing, verifying and interrogating the underlying data;
 - (b) consider and identify any discrepancies between the methodologies deployed by the Applicant's different consultants over time which would need to be reconciled;



- (c) prepare a model which addresses the source, fate and transport of PFAS having regard to the topographical, geological, hydrological, and soil characteristics of a particular Base to understand the sources of PFAS, whether PFAS is migrating and the way in which it is migrating.

54. Progressing the three categories of work will require substantial expert assistance. I anticipate that the following experts would, at least initially, need to provide input and assistance:

- (a) source, fate and transport experts, hydrogeologists, and hydrologists, to consider where the sources of PFAS are located, and where the PFAS is moving to, having regard to the site characteristics of each of the 28 Bases; and
- (b) toxicologists and ecotoxicologists, to assess the presence of human and ecological receptors to sources of PFAS and the level of risk to those receptors.

The Respondents will also require remediation experts to consider whether remediation undertaken to date by the Commonwealth was appropriate and proportionate, including in light of how PFAS was moving in the environment, the presence of human or ecological receptors, and any potential harm to those receptors.

55. As part of this third category of work, it will most likely be necessary for experts to visit the Bases and/or to undertake additional sampling and review and consider the results of any additional sampling undertaken.

56. From the three categories of work outlined above, the Respondents will have important data points necessary to assist in the analysis of the sources of PFAS (whether 3M AFFF or otherwise) and how any PFAS is migrating, to enable the Respondents to identify any possible cross-claims and/or claims of apportionment and claims for contributory negligence, assess whether to make those claims, and to then plead those claims.

57. I presently consider that the minimum timeframe required to undertake the documentary and data analysis investigations described above, prepare an Amended Defence which pleads any cross-claims and/or claims of apportionment and claims for contributory negligence and prepare Notices and Statements of Cross-Claim would be approximately nine months from the date of this affidavit. However, it is possible that a longer period may be ultimately required due the complexity and time that will be required to undertake this work.



Affirmed by Aoife Mary Xuereb
at Melbourne
in Victoria
on 5 August 2026
Before me:

)
)
)
)
)





Luke Peter Edward Brooker
Australian Legal Practitioner within the meaning
of the Legal Profession Uniform Law (Victoria)
Level 22, 80 Collins Street
Melbourne VIC 3000

In accordance with section 27(1A) of the *Oaths and Affirmations Act 2018* (Vic), this affidavit was signed and sworn by the deponent by audio visual link and the authorised affidavit taker has used a scanned or electronic copy of the affidavit and not the original in completing the jurat requirements.

Certificate identifying exhibit

No. VID 552 of 2026

Federal Court of Australia

District Registry: Victoria

Division: General

THE COMMONWEALTH OF AUSTRALIA

Applicant

3M COMPANY (DELAWARE COMPANY NUMBER 262413)

First Respondent

3M AUSTRALIA PTY LTD (ACN 000 100 096)

Second Respondent

This is the exhibit marked **AMX-1** produced and shown to Aoife Mary Xuereb at the time of affirming her affidavit on 5 August 2026.



.....
Aoife Mary Xuereb



.....
Luke Peter Edward Brooker
Australian Legal Practitioner within the meaning
of the Legal Profession Uniform Law (Victoria)
Level 22, 80 Collins Street
Melbourne VIC 3000



28 May 2026

3M Australia Pty Ltd
'Building A', 1 Rivett Road
North Ryde NSW 2113

Partner Howard Rapke
Direct line +61 3 9321 9752
Email howard.rapke@holdingredlich.com

By hand delivery

Partner Joanne Jary
Direct line +61 7 3135 0681
Email joanne.jary@holdingredlich.com
Our ref H019800193

Dear Directors

**The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd
Federal Court of Australia proceeding**

We refer to our correspondence that was sent to Ms Eleni Sideridis, Managing Director and General Counsel (3M ANZ), earlier today. A copy of that correspondence is **enclosed** for your reference.

We confirm we act for the Commonwealth of Australia represented by the Department of Defence.

As foreshadowed in our correspondence of today's date, we **enclose** by way of service pursuant to section 109X of the *Corporations Act 2001* (Cth), the following documents filed in the Federal Court of Australia earlier today:

1. Originating Application dated 28 May 2026;
2. Statement of Claim dated 28 May 2026; and
3. Genuine Steps Statement dated 28 May 2026.

Yours sincerely

Holding Redlich

By signing below, I acknowledge receipt of the original enclosures to this letter

.....
Signature

.....
Date

.....
Name

2 June 2026

3M Company
C/- Corporation Service Company
251 Little Falls Drive
WILMINGTON, New Castle, 19808, Delaware, United
States of America

Service effected through the Hague Convention

Partner Howard Rapke
Direct line +61 3 9321 9752
Email howard.rapke@holdingredlich.com

Partner Joanne Jary
Direct line +61 7 3135 0681
Email joanne.jary@holdingredlich.com
Our ref H019800193

Dear Directors

**The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd
Federal Court of Australia proceeding**

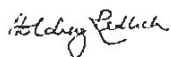
We refer to our correspondence that was sent to Mr Kevin Rhodes, Executive Vice President, Chief Legal Affairs Officer and Secretary, on 28 May 2026. A copy of that correspondence is **enclosed** for your reference.

We confirm we act for the Commonwealth of Australia, represented by the Department of Defence.

We **enclose** by way of service pursuant to the *Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*, signed at The Hague on 15 November 1965 (**Hague Convention**) and rule 10.64 of the *Federal Court Rules 2011* (Cth), the following documents:

1. Form 26 Summary of the documents to be served;
2. Form 26A Notice to person served outside of Australia;
3. Originating Application dated 28 May 2026;
4. Statement of Claim dated 28 May 2026; and
5. Genuine Steps Statement dated 28 May 2026.

Yours sincerely



Holding Redlich

28 May 2026

Kevin Rhodes
Executive Vice President, Chief Legal Affairs Officer
and Secretary
3M Company
3M Center, Building 220-9E-02,
St. Paul, MN 55144-1000

By email to krhodes@mmm.com

Partner Howard Rapke
Direct line +61 3 9321 9752
Email howard.rapke@holdingredlich.com

Partner Joanne Jary
Direct line +61 7 3135 0681
Email joanne.jary@holdingredlich.com
Our ref H019800193

Dear Mr Rhodes

The Commonwealth of Australia v 3M Company (3M) & 3M Australia Pty Ltd (3M Australia)

1. We act for the Commonwealth of Australia, represented by the Department of Defence (the **Commonwealth**).
2. We write to give you formal notice that the Commonwealth intends to commence legal proceedings against 3M and 3M Australia in the Victorian Registry of the Federal Court of Australia and confirm that we hold instructions to file these proceedings imminently.
3. We set out below the relevant background and the basis upon which these proceedings will be brought against 3M and 3M Australia.
4. Notwithstanding the imminent filing of these proceedings, our client is willing to enter into discussions with 3M and 3M Australia regarding these proceedings with a view to resolving the dispute or seeking to narrow the issues in dispute.
5. As such, we welcome your advice as to who is instructed on behalf of 3M to accept service of these proceedings so we may agree with them a process for such discussions should 3M be willing to enter into such discussions at this stage of the proceedings.

Background

3M Aqueous Film Forming Foam (3M AFFF)

6. Between about 1962 and 2003, 3M developed, manufactured, marketed and distributed for worldwide sale, including in Australia:
 - (a) various fire-fighting foam products comprising an aqueous film forming foam sold under the brand name “3M Light Water”, in 6% and 3% concentrates (**3M AFFF**); and
 - (b) the chemicals required to manufacture 3M AFFF.

7. Between about 1966 to about 2003, 3M supplied or exported to 3M Australia, for on sale to third parties in Australia:
 - (a) 3M AFFF; and
 - (b) the requisite formulas and constituent chemicals for the manufacture of 3M AFFF.
8. Between at least about 1966 to about 2003, 3M Australia was the importer for 3M of 3M AFFF and the chemicals required to manufacture 3M AFFF for sale in Australia.
9. At all material times 3M Australia, is and was wholly owned by 3M and in the course of carrying on its business in Australia, was the agent of 3M.

The Commonwealth's acquisition and use of 3M AFFF

10. From about 1972 to 2003, the Commonwealth purchased 3M AFFF products from 3M Australia, including:
 - (a) FC-200;
 - (b) FC-206;
 - (c) FC-3034;
 - (d) FC-3003; and
 - (e) FC-3002.
11. These 3M AFFF products were used by the Commonwealth in the course of training and operational activities at various Defence Bases located throughout Australia for the suppression of Class B flammable liquid fires.
12. Those training and operational activities included:
 - (a) responding to emergencies;
 - (b) conducting fire drills;
 - (c) conducting firefighting training, fire tests, mock emergency aircraft landing and accident drills; and
 - (d) conducting foam training and nozzle (monitor) testing, including the testing of firefighting trucks and equipment.
13. By reason of the training and operations activities, 3M AFFF, has been discharged in or around use areas at each of the Defence Bases set out in **Annexure A** to this letter, and has resulted in the deposit and accumulation of per- and poly-fluoralkyl substances (**PFAS**) in soil, sediments, waters, asphalt and concrete at those use areas at the Defence Bases, as well as into surrounding areas (both on and off the Defence Bases).

Contamination of Defence Bases and surrounding areas

14. As you are aware, 3M AFFF contained several classes of PFAS, including PFOS, PFHxS and PFOA.
15. As a result of investigations and ongoing monitoring activities undertaken by the Commonwealth to ascertain and investigate the extent of potential PFAS contamination at the Defence Bases and their surrounding areas, the Commonwealth has detected widespread levels of PFAS in ground

water, surface water, soil and sediment and/or sewage at each of the Defence Bases and the surrounding areas arising from the use of 3M AFFF at these Bases.

16. These investigations and ongoing monitoring activities also concluded that there were a range of potential risks to human and animal health and the environment posed by exposure to PFAS contamination at each of the Defence Bases and surrounding areas.
17. Accordingly, the Commonwealth's use of 3M AFFF at the Defence Bases has resulted in significant contamination both on the land and in water (including drinking water).
18. As such, the Commonwealth has undertaken remediation and mitigation activities to:
 - (a) mitigate the effects of PFAS contamination at the Defence Bases;
 - (b) manage or otherwise minimise the potential risks arising to human and animal health and the environment from the contamination; and
 - (c) provide adequate information to affected persons.

Costs incurred by the Commonwealth

19. The Commonwealth has expended substantial costs in undertaking investigations, ongoing monitoring activities and remediation and mitigation activities at the Defence Bases and surrounding areas impacted by PFAS contamination.
20. The Commonwealth has also incurred costs and expenses associated with claims brought against the Commonwealth by third parties (including five class actions) alleging loss and damage arising from the PFAS contamination at the Defence Bases and the areas surrounding the Defence Bases.
21. The Commonwealth is also likely to incur further:
 - (a) costs in respect of the PFAS contamination at the Defence Bases, including costs associated with further investigation, ongoing monitoring remediation and mitigation activities at the Defence Bases and the surrounding areas; and
 - (b) amounts associated with future claims that may be brought against the Commonwealth by third parties alleging loss and damage arising from the Defence Base PFAS Contamination.
22. The Commonwealth currently estimates that it has incurred and will incur costs of approximately \$2 billion as a result of PFAS contamination at the Defence Bases.
23. It is these costs that the Commonwealth will be seeking to recover from 3M and 3M Australia in the proceedings.

Causes of action against 3M and 3M Australia

24. The proceedings to be filed contain claims against 3M and 3M Australia in respect of the following causes of action.

Public nuisance

25. The Commonwealth alleges that, by reason of the manufacture and sale of 3M AFFF, each of 3M and 3M Australia has caused a public nuisance at each of the Defence Bases.
26. The relevant injury comprises interference with the public's right to the use and enjoyment of the lands in and around the Defence Bases, including the right to have access to contaminant-free waters.

27. The relief that the Commonwealth will be seeking includes the costs of investigation, monitoring, remediation and mitigation activities at all of the Defence Bases, including the provision of uncontaminated drinking water. Our client will also be claiming the settlement sums and legal costs associated with claims brought against the Commonwealth, the recovery of future costs likely to be incurred by the Commonwealth, and exemplary damages in respect of the conduct of 3M and 3M Australia.

Misleading or deceptive conduct

28. The Commonwealth alleges that each of 3M and 3M Australia engaged in misleading or deceptive conduct in contravention of the *Trade Practices Act 1974* (Cth) and the *Competition and Consumer Act 2010* (Cth), Schedule 2, Australian Consumer Law, by making misleading or deceptive statements to the Commonwealth regarding the properties and safety of 3M AFFF.
29. Our client will be seeking settlement sums and legal costs associated with the third-party legal claims brought against the Commonwealth.

Statutory recovery of contaminated land management costs

30. The Commonwealth will be seeking recovery of costs incurred in complying with its statutory duty to manage contaminated land under the *Environment Protection Act 2017* (Vic). This claim relates to Defence Bases where 3M AFFF was used in the State of Victoria.
31. Our client will be seeking the costs of remediation and management of contamination at Victorian Defence Bases.

3M and 3M Australia's conduct and misleading or deceptive representations

32. Each of the above three causes of action rely on the same factual substratum, namely that 3M (and its agent, 3M Australia) made false or misleading statements, or withheld material information, about the safety of 3M AFFF. This includes statements that 3M AFFF:
- (a) was "biodegradable";
 - (b) was "non-toxic"; and
 - (c) could be disposed of in certain ways so as not to cause any adverse environmental effects.
33. However, it is alleged that these statements were false, including because 3M's own testing from as early as the 1970s had revealed that PFAS:
- (a) are persistent (meaning they remain in the environment for long periods of time);
 - (b) move in soils and waters, and therefore could affect drinking water supplies;
 - (c) bioaccumulate and bioconcentrate in humans and animals (meaning their levels build up and increase over time); and
 - (d) have been associated with adverse effects to human and animal health.

Service and representation

34. Please advise **within 7 days of the date of this letter**:
- (a) whether 3M has solicitors in Australia instructed to act on its behalf in relation to these proceedings and if so, provide the name of the firm and the relevant partner(s) at that firm who are authorised to accept service of our client's proceedings; or

- (b) alternatively, whether any person at 3M is authorised to accept service on behalf of 3M and if so, provide their name and contact details.
35. Failing receipt of the above information, we will proceed to effect service in accordance with the *Federal Court Rules 2011* (Cth) and the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, concluded at the Hague on 15 November 1965 (Hague Convention).

Willingness to engage in discussions

36. Notwithstanding our client's intention to commence proceedings, our client remains willing to engage in genuine discussions with a view to exploring whether the dispute can be resolved or the issues in dispute can be narrowed.
37. Should 3M be willing to engage in such discussions at this early stage of the proceedings, please have your instructed solicitors notify us promptly so that we may agree with them a process for such discussions.
38. Nothing in this letter limits our client's claims or remedies. All rights are expressly reserved.

Yours sincerely



Holding Redlich

Copy to: Maureen Harms
Associate General Counsel and Managing Counsel
3M Company
By email to: maharms@mmm.com

3M Company Ethics & Compliance
By email to: ethicsandcompliance@mmm.com

Eleni Sideridis
Managing Director and General Counsel (3M ANZ)
3M Australia Pty Ltd
By email to: esideridis@mmm.com

Annexure A

Australian Capital Territory (administered)

1. Navy Bases Jervis Bay Range Facility and HMAS Creswell, located in Jervis Bay, Jervis Bay Territory under the *Jervis Bay Territory Acceptance Act 1915* (Cth) (**Jervis Bay Base**)

New South Wales

2. Navy Base HMAS Albatross, located in Nowra, New South Wales (**Albatross Base**)
3. Army Base Blamey Barracks (also known as Kapooka Military Area), located in Kapooka, New South Wales (**Blamey Base**)
4. Army Base Holsworthy Barracks, located in Holsworthy, Sydney, New South Wales (**Holsworthy Base**)
5. Airforce Base Richmond, located in Richmond, New South Wales (**Richmond Base**)
6. Army Base Singleton Military Area, located in Singleton, New South Wales (**Singleton Base**)
7. Airforce Base Wagga, located in Wagga Wagga, New South Wales (**Wagga Base**)
8. Air Force Base Williamtown in Williamtown, New South Wales (**Williamtown Base**)

Northern Territory

9. Airforce Base Darwin, located in Darwin, the Northern Territory (**Darwin Base**)
10. Army Base Robertson Barracks, located in Darwin, Northern Territory (**Robertson Base**)
11. Airforce Base Tindal, located in Katherine, Northern Territory (**Tindal Base**)

Queensland

12. Airforce Base Amberley, located in Ipswich, Queensland (**Amberley Base**)
13. Navy Base HMAS Cairns, located in Cairns, Queensland (**Cairns Base**)
14. Army Base Lavarack Barracks, located in Townsville, Queensland (**Lavarack Base**)
15. Army Base Swartz Barracks (formerly known as Army Aviation Centre Oakey), located in Oakey, Queensland (**Oakey Base**)
16. Airforce Base Townsville, located in Townsville, Queensland (**Townsville Base**)
17. Army Base Wide Bay Training Area, located in Tin Can Bay, Queensland (**Wide Bay Base**)

South Australia

18. Airforce Base Edinburgh, located in Edinburgh, South Australia (**Edinburgh Base**)

Victoria

19. Army Military Area Bandiana, in Wodonga, Victoria (**Bandiana Base**)
20. Navy Base HMAS Cerberus, in Hastings, Victoria (**Cerberus Base**)
21. Air Force Base East Sale, in East Sale, Victoria (**East Sale Base**)

22. Air Force Base Williams in Point Cook and Laverton, Victoria (**Williams Base**)¹

Western Australia

23. Airforce Base Pearce, in Bullsbrook, Western Australia (**Pearce Base**)
24. Airforce Base Gingin Satellite Area, located near Gingin, Western Australia (**Gingin Base**)
25. Navy Base Naval Communication Station Harold E Holt A and B, located in Exmouth, Western Australia (**Holt Base**)
26. Airforce Base Learmonth, located in Learmonth, Western Australia (**Learmonth Base**)
27. Navy Base HMAS Stirling, located in Garden Island, Western Australia (**Stirling Base**)

¹ Annexure A identifies approximately twenty-eight (28) Defence Base locations, albeit there are only twenty-seven (27) Defence Bases listed. This is because RAAF Point Cook and RAAF Laverton have been combined as “RAAF Williams”.

From: Eleni Sideridis <esideridis@mmm.com>
Sent: Wednesday, 3 June 2026 1:53 PM
To: Joanne Jary; Howard Rapke
Subject: RE: The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd [HR-MEL.FID1244510]

Mr. Rapke and Ms. Jary,

We are in receipt of your May 28, 2026 letter. The letter includes a request for a response within 7 days of receipt. We would kindly request an additional two weeks to respond as we organize ourselves with the intent of responding no later than June 19, 2026.

Eleni Sideridis



Eleni Sideridis
Director | Country Governance Leader ANZ | General Counsel
3M Australia Pty Limited | Building A, 1 Rivett Road
North Ryde 2113, Australia



From: Joanne Jary <Joanne.Jary@holdingredlich.com>
Sent: Thursday, 28 May 2026 8:46 AM
To: Eleni Sideridis <esideridis@mmm.com>
Cc: Kevin Rhodes <krhodes@mmm.com>; Maureen Harms <maharms@mmm.com>; Ethics & Compliance <ethicsandcompliance@mmm.com>; Howard Rapke <Howard.Rapke@holdingredlich.com>
Subject: [EXTERNAL] The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd [HR-MEL.FID1244510]

Dear Ms Sideridis

We act for the Commonwealth of Australia, represented by the Department of Defence.

Please see **attached** correspondence for your attention.

Regards

Joanne Jary | Partner



Level 1, 300 Queen Street, Brisbane 4000 Australia
D :+61 7 3135 0681 **M** :+61 490 387 015
joanne.jary@holdingredlich.com www.holdingredlich.com

4 June 2026

Eleni Sideridis
Managing Director and General Counsel (3M ANZ)
3M Australia Pty Ltd
'Building A', 1 Rivett Road
NORTH RYDE NSW 2113

By email to esideridis@mmm.com

Partner Howard Rapke
Direct line +61 3 9321 9752
Email howard.rapke@holdingredlich.com

Partner Joanne Jary
Direct line +61 7 3135 0681
Email joanne.jary@holdingredlich.com
Our ref H019800193

Dear Ms Sideridis

The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd Federal Court of Australia proceeding no. VID552 of 2026

We refer to your email dated 3 June 2026.

We are instructed that our client agrees to the extension of time proposed in your email.

We look forward to receiving your substantive response by no later than **19 June 2026**.

Our client otherwise reserves all of its rights.

Yours sincerely



Holding Redlich



HERBERT SMITH
FREEHILLS
KRAMER

Howard Rapke
Holding Redlich
+61 3 9321 9752
howard.rapke@holdingredlich.com

24 June 2026
Matter 82731702
By Email

Joanne Jary
Holding Redlich
+61 7 3135 0681
Email joanne.jary@holdingredlich.com

Dear Colleagues

The Commonwealth of Australia v 3M Company (3M) & 3M Australia Pty Ltd (3M Australia)

We confirm that:

- HSF Kramer have been engaged to act for 3M Australia Pty Ltd (**3M Australia**) and 3M Company (**3M**); and
- all future correspondence should be directed to Aoife Xuereb and Peter Briggs of this firm.

We refer to:

- your letter dated 28 May 2026 regarding service on 3M Australia, enclosing the Originating Application, Statement of Claim and Genuine Steps Statement; and
- your letters of the same date to 3M Australia and 3M providing formal notice of your client's intention to commence proceedings.

Notice of Address for Service and Genuine Steps Statement

- 1 We enclose our clients' notice of address for service and genuine steps statements.
- 2 One cause of action pursued in your Statement of Claim is a claim in debt made pursuant to s 39(3) of the *Environment Protection Act 2017*.
- 3 Pledged claims in part L of the Statement of Claim comprise claims in respect of land, and more particularly claims in respect of four defence bases located in Victoria: the Bandiana, Cerberus, East Sale, and Williams bases.
- 4 It is presumably uncontroversial that the bases each comprise a Commonwealth "place", within the meaning of s 52(i) of the Constitution.
- 5 In serving on you the notice of address for service, the 3M entities expressly reserve all rights in relation to the making of the claim under the State (*Environment Protection Act 2017*) Act and, without limitation, reserve rights as to:
 - (a) Any challenge to the jurisdiction of the Federal Court to hear and determine the claim under the State Act;



- (b) Any contention whether the Federal Court is a Court of competent jurisdiction for the purposes of s 39(3) of the State Act;
- (c) Any contention that there is an s 109 of the Constitution inconsistency in respect of the claim brought under the State Act;
- (d) whether intergovernmental immunities (of the type discussed in *Melbourne Corporation v Commonwealth* (1947) 74 CLR 31) prevent the maintenance of the claim and/or provide a complete defence to it.

6 Our clients otherwise reserve all rights.

Yours sincerely

Aoife Xuereb
Partner
Herbert Smith Freehills Kramer

+61 3 9288 1874
+61 428 751 434
aoife.xuereb@hsfkramer.com

Peter Briggs
Partner
Herbert Smith Freehills Kramer

+61 2 9225 5155
+61 409 030 299
peter.briggs@hsfkramer.com

Herbert Smith Freehills Kramer LLP and its affiliated and subsidiary businesses and firms, Herbert Smith Freehills Kramer (US) LLP and its affiliate, and Herbert Smith Freehills Kramer, an Australian Partnership, are separate member firms of the international legal practice known as Herbert Smith Freehills Kramer. We practise in Australia through Herbert Smith Freehills Kramer, an Australian Partnership (ABN 98 773 882 646).

Notice of address for service

No. VID 552 of 2026

Federal Court of Australia
District Registry: Victoria
Division: General

THE COMMONWEALTH OF AUSTRALIA

Applicant

3M COMPANY (DELAWARE COMPANY NUMBER 262413)

First Respondent

3M AUSTRALIA PTY LTD (ACN 000 100 096)

Second Respondent

3M Company (Delaware Company Number 262413) of 3M Center, 220-9E-01, St. Paul, Minnesota, 55144-1000, United States of America, the First Respondent, and 3M Australia Pty Ltd (ACN 000 100 096) of Building A, 1 Rivett Road, North Ryde, NSW 2113, the Second Respondent, give notice that the Respondents' address for service is:

Place: Herbert Smith Freehills Kramer

Level 22, 80 Collins Street

Melbourne VIC 3000

Email: aoife.xuereb@hsfkramer.com

Date: 24 June 2026



Signed by Aoife Xuereb
Lawyer for the Respondents

Filed on behalf of (name & role of party)	3M Company (Delaware Company Number 262413); 3M Australia Pty Ltd (ACN 000 100 096), Respondents		
Prepared by (name of person/lawyer)	Aoife Xuereb		
Law firm (if applicable)	Herbert Smith Freehills Kramer		
Tel	+61 3 9288 1874	Fax	+61 3 9288 1567
Email	aoife.xuereb@hsfkramer.com		
Address for service (include state and postcode)	Level 22, 80 Collins Street MELBOURNE VIC 3000		

First respondent's genuine steps statement

No. VID 552 of 2026

Federal Court of Australia
District Registry: Victoria
Division: General

THE COMMONWEALTH OF AUSTRALIA

Applicant

3M COMPANY (DELAWARE COMPANY NUMBER 262413)

First Respondent

3M AUSTRALIA PTY LTD (ACN 000 100 096)

Second Respondent

The First Respondent disagrees in part with the Applicant's genuine steps statement filed in this proceeding, in the following respects:

1. In respect of paragraph 1, the First Respondent disagrees that the sending of the correspondence dated 28 May 2026, identified in the Applicant's genuine steps statement, without more, constituted a genuine step to try to resolve the issues in dispute between the Applicant and the Respondents in the proceeding.
 - (a) A letter addressed to the First Respondent was sent by email on 28 May 2026 at 8:46 am (AEST) (being 5:46 pm on 27 May 2026 in Minneapolis) (**28 May Letter**).
 - (b) A separate letter dated 28 May 2026 addressed to the Second Respondent was also sent in copy to the First Respondent on 28 May 2026 at 8:46 am (being 5:46 pm on 27 May 2026 in Minneapolis).
 - (c) The First Respondent did not receive any communications from the Applicant to try to resolve the issues the subject of the proceeding prior to receipt of this correspondence.

Filed on behalf of (name & role of party)	3M Company (Delaware Company Number 262413), First Respondent		
Prepared by (name of person/lawyer)	Aoife Xuereb		
Law firm (if applicable)	Herbert Smith Freehills Kramer		
Tel	+61 3 9288 1874	Fax	+61 3 9288 1567
Email	aoife.xuereb@hsfkramer.com		
Address for service (include state and postcode)	Level 22, 80 Collins Street MELBOURNE VIC 3000		

- (d) The 28 May Letter stated that the Applicant intended to commence legal proceedings against the Respondents and confirmed that the Applicant's solicitors held instructions to file this proceeding "imminently".
 - (e) The 28 May Letter sought advice from the First Respondent as to whether it had instructed solicitors in Australia to accept service of the proceeding.
 - (f) The 28 May Letter also stated the Applicant was willing to enter into discussions with the Respondents regarding this proceeding, with a view to resolving the dispute or seeking to narrow the issues in dispute.
2. Despite the matters addressed in the 28 May Letter and summarised in paragraph (f) above, the Statement of Claim was filed at 8:57 am (AEST) on 28 May 2026, prior to the Applicant receiving a response from the First Respondent.
3. The Statement of Claim was served on the First Respondent on 15 June 2026.

Date: 24 June 2026



Signed by Aoife Xuereb
Lawyer for the First Respondent

Second respondent's genuine steps statement

No. VID 552 of 2026

Federal Court of Australia
District Registry: Victoria
Division: General

THE COMMONWEALTH OF AUSTRALIA

Applicant

3M COMPANY (DELAWARE COMPANY NUMBER 262413)

First Respondent

3M AUSTRALIA PTY LTD (ACN 000 100 096)

Second Respondent

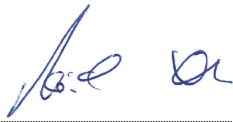
The Second Respondent disagrees in part with the Applicant's genuine steps statement filed in this proceeding, in the following respects:

1. In respect of paragraph 1, the Second Respondent disagrees that the sending of the correspondence dated 28 May 2026, identified in the Applicant's genuine steps statement, without more, constituted a genuine step to try to resolve the issues in dispute between the Applicant and the Respondents in the proceeding.
 - (a) A letter addressed to the Second Respondent was sent by email on 28 May 2026 at 8:46 am (**AU 28 May Letter**).
 - (b) A separate letter dated 28 May 2026 to the First Respondent was also sent in copy to the Second Respondent on 28 May 2026 at 8:46 am.
 - (c) The Second Respondent did not receive any communications from the Applicant to try to resolve the issues the subject of the proceeding prior to receipt of this correspondence.
 - (d) The AU 28 May Letter stated that the Applicant intended to commence legal proceedings against the Respondents and confirmed that the Applicant's solicitors held instructions to file this proceeding "imminently".

Filed on behalf of (name & role of party)	3M Australia Pty Ltd (ACN 000 100 096), Second Respondent		
Prepared by (name of person/lawyer)	Aoife Xuereb		
Law firm (if applicable)	Herbert Smith Freehills Kramer		
Tel	+61 3 9288 1874	Fax	+61 3 9288 1567
Email	aoife.xuereb@hsfkramer.com		
Address for service (include state and postcode)	Level 22, 80 Collins Street MELBOURNE VIC 3000		

- (e) The AU 28 May Letter also stated the Applicant was willing to enter into discussions with the Respondents regarding this proceeding, with a view to resolving the dispute or seeking to narrow the issues in dispute.
2. Despite the matters addressed in the AU 28 May Letter and summarised in paragraph (e) above, the Statement of Claim was filed at 8:57 am on 28 May 2026, prior to the Applicant receiving a response from the Second Respondent.
3. The Statement of Claim was served on the Second Respondent on 28 May 2026.

Date: 24 June 2026

A handwritten signature in blue ink, appearing to read 'Aoife Xuereb', is written above a horizontal dotted line.

Signed by Aoife Xuereb
Lawyer for the Second Respondent



HERBERT SMITH
FREEHILLS
KRAMER

Howard Rapke
Holding Redlich
+61 3 9321 9752
howard.rapke@holdingredlich.com

24 June 2026
Matter 82789879
By Email

Joanne Jary
Holding Redlich
+61 7 3135 0681
joanne.jary@holdingredlich.com

Dear Colleagues

The Commonwealth of Australia v 3M Company (3M) & 3M Australia Pty Ltd (3M Australia)

We act for 3M Australia Pty Ltd (**3M Australia**) and 3M Company (**3M**).

We refer to:

- your letter of service dated 28 May 2026, enclosing the Originating Application, Statement of Claim and Genuine Steps Statement;
- your letters of the same date to 3M Australia and 3M providing formal notice of your client's intention to commence proceedings; and
- correspondence sent directly by 3M Australia in relation to this proceeding.

We confirm that 3M Australia and 3M intend to file and serve a defence in response to your client's Statement of Claim. Given the considerable length and complexity of the Statement of Claim, we will not be in a position to file and serve a defence by the time period prescribed by Rule 16.32 of the *Federal Court Rules 2011* (Cth). We will write to you separately in relation to the time that we consider our clients will require to file their defence and the orders our clients will seek at the first Case Management Conference.

3M Australia and 3M reserve all rights, including to produce this letter should your client purport to take any action in relation to the non filing of a defence by the period prescribed by Rule 16.32.

Yours sincerely

Aoife Xuereb
Partner
Herbert Smith Freehills Kramer

+61 3 9288 1874
+61 428 751 434
aoife.xuereb@hsfkramer.com

Peter Briggs
Partner
Herbert Smith Freehills Kramer

+61 2 9225 5155
+61 409 030 299
peter.briggs@hsfkramer.com

Herbert Smith Freehills Kramer LLP and its affiliated and subsidiary businesses and firms, Herbert Smith Freehills Kramer (US) LLP and its affiliate, and Herbert Smith Freehills Kramer, an Australian Partnership, are separate member firms of the international legal practice known as Herbert Smith Freehills Kramer. We practise in Australia through Herbert Smith Freehills Kramer, an Australian Partnership (ABN 98 773 882 646).



HERBERT SMITH
FREEHILLS
KRAMER

Howard Rapke
Holding Redlich
+61 3 9321 9752
howard.rapke@holdingredlich.com

30 June 2026
By Email

Joanne Jary
Holding Redlich
+61 7 3135 0681
joanne.jary@holdingredlich.com

Dear Colleagues

The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd (VID552/2026)

We refer to the Statement of Claim in the above proceeding filed on 28 May 2026.

We request that you provide us with the following:

- copies of all documents referred to in Sections A through O and Table A of the Statement of Claim by Monday, 6 July 2026; and
- copies of each of the documents referred to in Schedules 1 through 27 of the Statement of Claim by Monday, 13 July 2026.

Our clients' rights are reserved, including to serve a notice to produce for the inspection of documents referred to in the Statement of Claim, pursuant to Rule 20.31(1) of the *Federal Court Rules 2011* (Cth).

Yours sincerely

Aoife Xuereb
Partner
Herbert Smith Freehills Kramer
+61 3 9288 1874
+61 428 751 434
aoife.xuereb@hsfkramer.com

Peter Briggs
Partner
Herbert Smith Freehills Kramer
+61 2 9225 5155
+61 409 030 299
peter.briggs@hsfkramer.com

Herbert Smith Freehills Kramer LLP and its affiliated and subsidiary businesses and firms, Herbert Smith Freehills Kramer (US) LLP and its affiliate, and Herbert Smith Freehills Kramer, an Australian Partnership, are separate member firms of the international legal practice known as Herbert Smith Freehills Kramer. We practise in Australia through Herbert Smith Freehills Kramer, an Australian Partnership (ABN 98 773 882 646).

6 July 2026

Herbert Smith Freehills Kramer
Level 22, 80 Collins Street
Melbourne VIC 3000

Partner Howard Rapke
Direct line +61 3 9321 9752
Email howard.rapke@holdingredlich.com

Attention: Aoife Xuereb and Peter Briggs

By email

Partner Joanne Jary
Direct line +61 7 3135 0681
Email joanne.jary@holdingredlich.com
Our ref H019800193
Your ref 82731702

Dear Colleagues

The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd Federal Court of Australia proceeding no. VID552 of 2026

We refer to your letter dated 30 June 2026 (**Your Letter**) and the request for documents contained therein.

It is our client's intention to provide, in a single tranche, copies of all documents referred to in Sections A through O and Table A of the Statement of Claim, together with all documents referred to in Schedules 1 through 27, rather than producing those documents in stages as requested in Your Letter.

We are currently finalising an export of those documents, however, given the significant volume of documents, additional time is required to complete the export.

In those circumstances, we respectfully request that your client allow us **until close of business tomorrow, 7 July 2026** to provide copies of all documents requested in Your Letter.

Yours sincerely



Holding Redlich

7 July 2026

Herbert Smith Freehills Kramer
Level 22, 80 Collins Street
Melbourne VIC 3000

Partner Howard Rapke
Direct line +61 3 9321 9752
Email howard.rapke@holdingredlich.com

Attention: Aoife Xuereb and Peter Briggs

By email

Partner Joanne Jary
Direct line +61 7 3135 0681
Email joanne.jary@holdingredlich.com
Our ref H019800193

Dear Colleagues

The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd Federal Court of Australia proceeding no. VID552 of 2026

1. We refer to your letter dated 30 June 2026 and our letter dated 6 July 2026.
2. Please find below a link which contains copies of all documents referred to in Sections A to O and Table A of the Statement of Claim, and in Schedules 1 to 27 of the Statement of Claim:

Link: <https://spaces.hightail.com/receive/VZ6MZtjceQ>
3. The password will be provided in a separate email.
4. As the parties have not yet agreed or been directed to adopt a document management protocol, for the purpose of responding to your clients' request for copies of these documents, the documents have been produced in PDF format only (save for one document which has been produced in .xlsx form) and stamped with document identification numbers corresponding to the document references used in the Statement of Claim and accompanying Schedules. This has been done to facilitate easy identification of the documents referred to in the pleading.
5. Further, some of the documents form part of broader files and as such we have extracted the specific documents that form part of those broader files that are referred to in the Statement of Claim and accompanying Schedules.

Yours sincerely



Holding Redlich

17 July 2026

Herbert Smith Freehills Kramer
Level 22, 80 Collins Street
Melbourne VIC 3000

Partner Howard Rapke
Direct line +61 3 9321 9752
Email howard.rapke@holdingredlich.com

Attention: Aoife Xuereb and Peter Briggs

Partner Joanne Jary
Direct line +61 7 3135 0681
Email joanne.jary@holdingredlich.com
Our ref H019800193

By email

Dear Colleagues

The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd Federal Court of Australia proceeding no. VID552 of 2026

1. We refer to your letter dated 24 June 2026 regarding the filing of your clients' defence.
2. In that correspondence, you indicated that you would write separately concerning:
 - (a) the period of time your clients consider necessary in order to prepare and file a defence; and
 - (b) the orders your clients intend to seek at the first Case Management Hearing on 7 August 2026.
3. Given the approaching first Case Management Hearing on 7 August 2026, we would be grateful if you would provide your clients' proposed timetable for the filing of their defence, together with the orders your clients intend to seek, **by 5.00 pm on Tuesday, 21 July 2026**.
4. This will provide the parties with sufficient time to confer and seek to reach agreement regarding the orders to be sought at the Case Management Hearing prior to the hearing.

Yours sincerely



Holding Redlich



Howard Rapke
Holding Redlich
+61 3 9321 9752
howard.rapke@holdingredlich.com

27 July 2026
Matter 82731702
By Email

Joanne Jary
Holding Redlich
+61 7 3135 0681
Email joanne.jary@holdingredlich.com

Dear Colleagues

The Commonwealth of Australia v 3M Company (3M) & 3M Australia Pty Ltd (3M Australia)

We refer to:

- your letter dated 28 May 2026 regarding service on 3M Australia, enclosing the Originating Application, Statement of Claim and Genuine Steps Statement;
- your letters of the same date to 3M Australia and 3M providing formal notice of your client's intention to commence proceedings;
- your letter dated 2 June 2026 regarding service on 3M, which was served on 3M on 15 June 2026, enclosing the Originating Application, Statement of Claim and Genuine Steps Statement;
- our letter dated 24 June 2026 confirming that 3M Australia and 3M intend to file and serve a defence and the timing of that defence; and
- your letter dated 17 July 2026 regarding timing for our clients' defence and orders to be sought at the first directions hearing on 7 August 2026.

We confirm that our clients have considered their proposed approach and timetable for filing and serving their defence and any notices of cross-claim in the proceeding. For the reasons set out below, they consider that sufficient time must be allowed to make the necessary factual, technical and legal enquiries to prepare their defence to the allegations made by the Commonwealth in this proceeding and any notices of cross-claim.

No engagement prior to filing proceeding

- 1 Your client's genuine steps letter was served on 3M Australia on 28 May 2026, the same day your client served the Statement of Claim. Prior to that date, there had been no communication with 3M Australia in relation to this dispute. In those circumstances, the Commonwealth's failure to notify 3M Australia of the dispute, or to take genuine steps to resolve it, before instituting the proceeding is inconsistent with the objects of the *Civil Dispute Resolution Act 2011* (Cth). We also note that your client took steps to serve 3M just 3 business' days after your client's genuine steps letter was served on 3M.
- 2 We also refer to the Commonwealth's obligation to act as a model litigant (as set out in Division 2 of Part 5 of the *Legal Services Directions 2025* (Cth), including the requirement in s 41(e) to endeavour to avoid or prevent legal proceedings wherever possible, or limit

Doc 2071076523



their scope, by (relevantly) "giving consideration in all cases to alternative dispute resolution before initiating legal proceedings" (emphasis added).

- 3 In this regard, we note that the Act requires a genuine steps statement to specify the steps that have been taken to try to resolve the issues in dispute, or the reasons *why no such steps* were taken.¹

- 4 Our clients reserve all their rights in this regard, including as to costs.

The Statement of Claim

Length and volume of materials

- 5 We note the considerable length and complexity of the Statement of Claim. It extends to almost 1,600 pages, including 27 detailed schedules. The main body alone contains 214 paragraphs and, together with the glossary and table, runs to 306 pages.
- 6 The pleading also contains extensive particulars. By way of example, the allegations concerning public nuisance at paragraphs 168 and 178 rely on particulars set out across all 27 schedules, which in turn refer to a significant volume of site-specific investigations stretching over many years, reports and other technical materials.
- 7 On 7 July 2026, in response to our clients' request, you provided copies of approximately 2,500 documents referred to in the Statement of Claim and the Schedules, including lengthy technical reports running to hundreds of pages.
- 8 Aside from the volume of materials, which we and our clients are considering, the Statement of Claim also raises novel legal questions, including those relating to claims in public nuisance (paragraphs 164 to 183) and claims under the *Environment Protection Act 2017* (Vic) (paragraphs 184 to 191). Those matters will require careful consideration before 3M and 3M Australia can properly plead to the allegations.

Historical enquiries required to be made

- 9 The Statement of Claim concerns alleged conduct and knowledge of 3M and 3M Australia extending over eight decades. The allegations therefore require substantial historical enquiries before our clients can properly investigate and respond to them. Those enquiries will necessarily take time and will include:
- (a) determining the availability of documentary records and/or witnesses of fact extending back to at least the 1940s, including by making substantial enquiries outside of Australia (see, by way of example, paragraphs 30, 36, 42, 45, 46, 52, 53, 57, 58, 61, 62, 64, 72, 73 of the Statement of Claim);
 - (b) considering the availability of the individuals named at Table A, and the extent to which documentary records concerning these individuals may be available (see, by way of example, paragraphs 2(d), 5(b), 7(d), 8, 33(b), 36(b), 45(b), 46, 49(e), 50(e), 52, 57, 58, 59, 61, 62, 63, 64, 67, 68, 72 of the Statement of Claim).
- 10 The Statement of Claim also raises issues concerning the Commonwealth's own conduct from the 1940s onwards. At least some aspects of that conduct are not matters within our clients' knowledge. They will need to be considered, including potentially by seeking further particulars, before our clients can properly respond to the allegations made against them. For example:
- (a) the allegations at paragraphs 75, 78, 89, 92 and 105 concern the Commonwealth's investigations regarding "a range of options" and "alternative products" for its fire protection or firefighting activities;
 - (b) paragraph 110 alleges that "[b]etween the early 1970s until around 2003, the Commonwealth used 3M AFFF supplied pursuant to the

¹ *Civil Dispute Resolution Act 2011* (Cth), section 6(2)(b).



*arrangement pleaded in Part E above, in the course of **Training and Operation Activities** at each of the Bases as set out further in **Schedules 1 to 27, Section D.1**". To properly consider and respond to the allegations, our clients will need to consider the matters raised in each of the 27 schedules regarding the Commonwealth's conduct regarding, *inter alia*, "training and operational" activities and "management and disposal of 3M AFFF" over a period of at least three-decades;*

- (c) *paragraph 133 alleges that "[s]ince about 2011, the Commonwealth has undertaken **Investigation and Ongoing Monitoring Activities** to ascertain and investigate the extent of potential PFAS contamination at the Bases and their surrounding areas, and to identify measures to address any risks arising from the contamination, and to monitor, on an ongoing basis, any identified contamination". To properly consider and respond to the allegations concerning these matters, our clients will need to consider the factual issues raised in each of the 27 schedules regarding the Commonwealth's conduct in this regard.*

Complexity involved in calculating loss

- 11 The Statement of Claim adopts a complex approach to the calculation and quantification of the loss and damage alleged in respect of each cause of action. For example, in relation to public nuisance, paragraphs 170 and 180 rely on the particulars in Part J of the Statement of Claim, which concerns "[c]osts arising from the PFAS contamination" including *inter alia*:

- (a) amounts paid by the Commonwealth in settlement of the following class actions:
 - (i) the Williamstown Class Action, Oakey Class Action and the Tindal Class Action on 5 June 2020;
 - (ii) the Wreck Bay Class Action on 19 June 2023; and
 - (iii) the Haswell Class Action on 25 August 2023: (see paragraphs 155 and 156);
- (b) amounts paid by the Commonwealth to third parties in connection with the Non-Class Action Claims (see paragraphs 158 to 159);
- (c) costs which relate to "...the investigation, ongoing monitoring, remediation and mitigation activities of the Base PFAS Contamination as a whole" (see paragraph 161(a)), and in relation to "the removal of PFAS contaminated soils arising from capital, facilities and other infrastructure works conducted at the Bases" (see paragraph 161(b), which particularises Schedules 1 to 27, Section I);
- (d) costs "... associated with further investigations, ongoing monitoring, remediation and mitigation activities at the Bases and the areas surrounding the Bases" (paragraph 162); and in relation to costs that the Commonwealth "... may incur further amounts associated with claims that have been, or may be, brought against it by third parties alleging loss and damage arising from the Base PFAS Contamination." (paragraph 163).

Extensive expert evidence required

- 12 Further, the factual matters raised in the Statement of Claim raise complex technical questions. By way of example, the following aspects of the Statement of Claim raise scientific issues requiring expertise across multiple disciplines. Our clients will need to obtain assistance from a large range of experts in order to investigate the pleaded case. By way of example:



- (e) Sections H.1 and H.2 concern “Contamination Pathways” and “Contamination Receptors” at the Defence bases and surrounding areas, which raise factual questions regarding, *inter alia*, whether “the Base PFAS Contamination”:
 - (i) paragraph 135:

“continues to migrate... through the following pathways...(a) groundwater...; (b)...surface water...; (c)...drainage lines and other overland flows of surface water...; (d)... within the treated liquid effluent and residual solids that may leach into soil and groundwater or surface waters...”
 - (ii) paragraph 136:

*“has resulted in, and will continue to result in, human and animal (and aquatic and terrestrial organisms) exposure to PFAS (the **Human and Animal Exposure**)”*
 - (iii) paragraph 137:

*“has resulted in, and will continue to result in, potential adverse effects to other ecological receptors (including flora, fauna, biota and various ecosystems), including by way of uptake or exposure to PFAS, and bioaccumulation of PFAS (the **Ecological Exposure**)”*
- (f) Section H.3 requires consideration of the pleaded categorisation of Defence bases which will require expert analysis, including:
 - (i) consideration of the 27 Defence bases as described in the 27 schedules (which run to approximately 1,289 pages);
 - (ii) in the context of the categorisation applied to these Defence bases at paragraph 138, by reference to the following description in the particulars:

*“A ‘Steady State Base’ constitutes a Base in which the migration of PFAS has reached its geographical limit within that Base and surrounding areas, notwithstanding the continual leaching or dispersal of PFAS within that Base and surrounding areas (**Category 1**).*

*An ‘Expanding Base’ constitutes a Base in which the migration of PFAS has not yet reached its geographical limit, notwithstanding the leaching or dispersal of PFAS within that Base and surrounding areas, and is migrating to new and additional areas within that Base and surrounding areas (**Category 2**).”*
- (g) Section H.4 requires (by virtue of paragraph 139) consideration of the application of the following four environmental guidelines to each of the 27 Defence bases:
 - (i) paragraph 127:

*“the NHMRC published an updated version 3.5 of the ADWG (**2018 ADWG**). The 2018 ADWG included, for the first time, health-based guideline values for acceptable PFAS levels in drinking water as follows:*

 - (a) PFOS and PFHxS – 0.07µg/L; and*
 - (b) PFOA – 0.56µg/L.”*
 - (ii) paragraph 128:



“the NHMRC published the Guidance on PFAS in Recreational Water (2019 ARG). The 2019 ARG included, for the first time, health-based guideline values for acceptable levels of PFAS in recreational waters including combined and independent values for exposures to:

(a) PFOS and PFHxS – namely, that concentrations in recreational waters should not exceed 2µg/L; and

...

(b) PFOA – namely, that concentrations in recreational waters should not exceed 10µg/L.”

(iii) paragraph 131:

“the NHMRC released a further revised version of the ADWG (2025 ADWG), which decreased the PFAS guideline values contained in the 2018 ADWG, and set independent values for PFOS and PFHxS, rather than setting a combined value (as in the 2018 ADWG), as follows:

(a) PFOA – 0.2µg/L;

(b) PFOS – 0.0008µg/L; and

(c) PFHxS – 0.03µg/L.”

(iv) paragraph 132:

“the NHMRC released a draft of a further revised version of the Guidelines for Managing Risks in Recreational Water (2026 Draft ARG), which proposes the use of health-based screening guideline values that are 20 times the 2025 ADWG for PFAS, or effectively, as follows:

(a) PFOA – 4µg/L;

(b) PFOS – 0.16µg/L; and

(c) PFHxS – 0.6µg/L.”

- (h) Further, section H.4 requires (by virtue of paragraph 140) consideration of *“additional or increased investigations, management, remediation and migration activities”* that the Commonwealth will be *“required”* to undertake to *“minimise the risks arising to human health and the environment as a result of the continuing contamination”* as the *“Base PFAS Contamination continues leaching and migrating at the Bases and into surrounding areas”*.
- (i) Section H.6 requires (by virtue of paragraph 146) consideration of *“investigations, monitoring and/or remediation”* that each Defence base as set out in the 27 schedules to the Statement of Claim will *“continue to require”* in order to *“delineate and otherwise manage or minimise the risks arising to human health and the environment”*.
- (j) Section I.1 concerns *“Remediation and Mitigation Activities”*, which raises factual questions regarding, *inter alia*, the matters undertaken by the Commonwealth at each of the Defence bases as set out in the 27 schedules to the Statement of Claim including activities designed to *“mitigate the effects of the Base PFAS Contamination”* and *“manage or otherwise minimise the potential risks arising to human health and the environment”*.
- (k) Further, Section I.1 requires (by virtue of paragraph 149) consideration of *“future investigations, monitoring, remediation and*



mitigation activities” the Commonwealth will be “required to undertake” to “monitor the extent of, and mitigate the effects of, and to manage or otherwise minimise the potential risks arising to human health and the environment” as the “Base PFAS Contamination continues leaching and migrating at the Bases and into surrounding areas”.

- 13 The Respondents have not yet formed a concluded view as to the expert disciplines in which evidence may need to be adduced in the proceeding. However, on a preliminary basis, it appears that expert evidence may be required in the disciplines of epidemiology, toxicology, ecotoxicology, PFAS source, fate and transport, hydrogeology, hydrology and remediation. Particular features of individual Bases may also give rise to the need for expert evidence in additional specialised disciplines. It is also likely to be necessary to review the historical testing undertaken at each Base, consider whether further testing should be undertaken, including at any sites in the vicinity of each Base.

Next Steps

- 14 As is apparent from the matters outlined above, the Statement of Claim is complex, and no doubt, took many months, possibly longer, to prepare.
- 15 For the reasons set out above and in the limited time since the proceeding was commenced and our clients were served, our clients’ current proposal is that they:
- (a) will need until 11 December 2026 to prepare their defence to the allegations made in Parts A, C, D, E, F, G.1, J, K, L, M and N of the Statement of Claim;
 - (b) to the extent our clients are ordered to file a defence by 11 December 2026, our current assessment is that our clients will likely only be in a position to deny or not admit a significant portion of the allegations made in Parts B, G.2, H, I and the Schedules to the Statement of Claim. This assessment reflects the fact that the allegations made in these parts of the Statement of Claim include an array of dense factual matters relating to the Commonwealth which are not within our clients’ knowledge and/or allegations that will require extensive and detailed work with experts over a lengthy period of time. From the documents provided to date, it appears to us that the Commonwealth have been undertaking this exact analysis over an approximate 10-year period; and
 - (c) will, for the reasons identified below, require until at least 30 April 2027 to prepare: an amended defence with amendments limited to the insertion of any cross-claims and/or claims of apportionment and/or claims of contributory negligence and any notices of cross-claim (assuming Commonwealth cooperation with our clients’ inquiries as to potentially relevant parties, including, but not limited to other suppliers of PFAS containing AFFF to the Commonwealth).
- 16 Our current assessment of the time and scope of work involved in identifying any cross-claims, any claims of apportionment and any claims of contributory negligence reflects:
- (a) enquiries that we have undertaken with a range of potential experts since the proceedings have been commenced;
 - (b) in light of the enquiries referred to above, the complexity of the work involved in identifying the source of any contamination and how the presence and presentation of any contamination may have evolved over time;
 - (c) the significant number of Bases that are the subject of the Statement of Claim and the volume of materials provided to date, comprising approximately 2,000 documents, referred to by the Commonwealth in support of the claims made with respect to each of the Bases; and



- (d) the likelihood that our clients will commence a large number of cross-claims and, given the potential impact of a large number of cross-claimants on the running of the proceeding the importance of ensuring that there is a reasonable basis for each cross-claim.

- 17 While a party's defence is ordinarily filed on one date and any notices of cross-claim are ordinarily filed at the same time as a defence under rule 15.04 of the *Federal Court Rules 2011* (Cth), it is possible pursuant to rule 15.05 to seek leave for an extension of the time required to file any notices of cross-claim. Our clients' have provided the proposal outlined above in good faith with a view to responding to the Commonwealth's allegations in a timely manner. If the Commonwealth is content for our clients to file and serve their defence to all allegations and any notices of cross-claim at the same time, our clients would also be amenable to this approach and propose that this occur on 30 April 2027.
- 18 Enclosed with this letter is a proposed minute of order for the filing of our clients' defence and any notices of cross-claim under the two alternative proposals outlined above. Please let us know if your client is amenable to either or both of these proposals and any other orders your client will seek at the first directions hearing on 7 August 2026.
- 19 To our knowledge, the Federal Court has never adjudicated a claim of this magnitude. In accordance with the s.37N duty on the parties, the Court will expect the parties to give consideration to case management approaches which secure the overarching purpose. Further in this regard, we note paragraph 8.5(g) of the *Central Practice Note: National Court Framework and Case Management (CPN-1)*, which requires the parties to consider how best to manage justiciable issues. Our clients therefore consider that it would be prudent for the parties to propose a timetable for conferral regarding the efficient case management of issues arising from the Statement of Claim. Our clients will continue to assess the position as they review the Statement of Claim and undertake the investigations described above, which are necessary in order to respond properly to the pleaded allegations.
- 20 Our clients expressly reserve all of their rights, including, without limitation, the right to apply to the Court for orders that the Statement of Claim (or parts of it) be struck out, and to make any other interlocutory application our clients may be advised to make.
- 21 Our clients otherwise reserve all rights.

Yours sincerely

Aoife Xuereb
Partner
Herbert Smith Freehills Kramer

+61 3 9288 1874
+61 428 751 434
aoife.xuereb@hsfkramer.com

Peter Briggs
Partner
Herbert Smith Freehills Kramer

+61 2 9225 5155
+61 409 030 299
peter.briggs@hsfkramer.com

Herbert Smith Freehills Kramer LLP and its affiliated and subsidiary businesses and firms, Herbert Smith Freehills Kramer (US) LLP and its affiliate, and Herbert Smith Freehills Kramer, an Australian Partnership, are separate member firms of the international legal practice known as Herbert Smith Freehills Kramer. We practise in Australia through Herbert Smith Freehills Kramer, an Australian Partnership (ABN 98 773 882 646).

Minutes of proposed consent orders

No. VIC 552 of 2026

Federal Court of Australia

District Registry: Victoria

Division: General

THE COMMONWEALTH OF AUSTRALIA

Applicant

3M COMPANY (DELAWARE COMPANY NUMBER 262413)

First Respondent

3M AUSTRALIA PTY LTD (ACN 000 100 096)

Second Respondent

BY CONSENT, THE COURT ORDERS THAT:

Pleadings

1. By *[a date to be fixed approximately 3-weeks after the first case management conference]*, the Respondents are to provide the Applicant with any request for further and better particulars.
2. By *[a date to be fixed approximately 7-weeks after the first case management conference]*, the Applicant is to provide a response to the Respondents' request for further and better particulars.

[PROPOSAL A]

3. Subject to paragraph 4, by 4:00 pm on 11 December 2026, the Respondents file and serve their defence.
4. Pursuant to rules 1.31, 1.34 and 15.05 of the *Federal Court Rules 2011* (Cth), by 4:00 pm on 30 April 2027, the Respondents are granted leave to file and serve:

Filed on behalf of (name & role of party)	3M Company (Delaware Company Number 262413) and 3M Australia Pty Ltd (ACN 000 100 096)		
Prepared by (name of person/lawyer)	Aoife Xuereb		
Law firm (if applicable)	Herbert Smith Freehills Kramer		
Tel	03 9288 1874	Tel	0428 751 434
Email	Aoife.Xuereb@hsf.com		
Address for service (include state and postcode)	Herbert Smith Freehills Kramer, Level 22, 80 Collins Street, Melbourne VIC 3000		

(a) an amended defence with amendments limited to the insertion of any:

- (i) cross-claims; and/or
- (ii) claims of apportionment; and/or
- (iii) claims of contributory negligence.

(b) any notices of cross-claim.

5. Liberty to apply.

6. Costs be reserved.

[PROPOSAL B]

7. By 4:00 pm on 30 April 2027, the Respondents file and serve their defence and any notices of cross-claim.

Further case management

8. The matter be listed for a further case management hearing at a date to be fixed.

9. Costs reserved.

10. Liberty to apply.

Representative of the Applicant

Howard Rapke, Holding Redlich

Representative of the Respondent

Aoife Xuereb, Herbert Smith Freehills Kramer

30 July 2026

Herbert Smith Freehills Kramer
Level 22, 80 Collins Street
Melbourne VIC 3000

Partner Howard Rapke
Direct line +61 3 9321 9752
Email howard.rapke@holdingredlich.com

Attention: Aoife Xuereb and Peter Briggs

Partner Joanne Jary
Direct line +61 7 3135 0681
Email joanne.jary@holdingredlich.com
Our ref H019800193

By email

Dear Colleagues

The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd Federal Court of Australia proceeding no. VID552 of 2026

1. We refer to:
 - (a) your letter dated 24 June 2026; and
 - (b) your substantive letter dated 27 July 2026 (**Your 27 July Letter**).
2. We do not propose to respond to each of the matters raised in Your 27 July Letter by reference to individual paragraphs. Instead, we address the key matters raised and propose a way forward that will avoid unnecessary delay and inefficiency in the conduct and resolution of this matter.

Genuine steps

3. We note your clients' comments regarding the Commonwealth's approach to pre-action correspondence.
4. By letters dated 28 May 2026, we advised your clients that the Commonwealth was willing to engage in discussions that were directed towards resolving the dispute or narrowing the issues in dispute. We also requested your clients to indicate whether they were prepared to participate in discussions of that nature.
5. Despite more than two months having now elapsed since that invitation was sent, your clients have not responded to that invitation (including in Your 27 July Letter).
6. Consistent with its obligations as a model litigant, the Commonwealth remains willing to engage with your clients with a view to either resolving the dispute, or narrowing the issues in dispute. If, at any stage of the proceeding your clients wish to engage in such discussions, please let us know. The Commonwealth is prepared to consider any appropriate process(es) that your clients may suggest and offer the proposal set out below for your consideration.

Proposed approach for efficient case management

7. As you are aware, the Commonwealth's claim concerns 28 identified Defence Bases, which are located across Australia.¹
8. Having considered:
 - (a) your clients' comments regarding the time they say is required to file and serve their Defence,² i.e. either 11 December 2026 (a period of approximately 6 months after the filing of the proceeding) or 30 April 2027 (a period of more than 11 months post filing);
 - (b) the fact that many of the pleaded matters are derived from your clients' own documents and, we assume, are well known to your clients including because they have been the subject of litigation conducted elsewhere;
 - (c) the fact that you were provided with a bundle of documents referred to in the Statement of Claim (including Table A) and Base Schedules on 7 July 2026, now more than 3 weeks ago; and
 - (d) the most appropriate means of progressing this proceeding consistently with the overarching purpose of facilitating the just, quick, inexpensive and efficient resolution of the real issues in dispute,

the Commonwealth is of the view that a more efficient and proportionate approach would be for your clients to plead to the Statement of Claim in its entirety, but initially by reference to only a representative selection of Defence Bases (**Representative Bases**). This would then enable your clients to narrow the focus of expert evidence and permit the parties to identify and narrow the issues in dispute generally, progress the proceeding in a structured and efficient manner, and avoid unnecessary delay, duplication and cost.

9. On that basis, the Commonwealth proposes that the proceeding initially progress upon the basis that the Court will hear and determine those matters raised in the Statement of Claim and the schedules for the Representative Bases only.³ Following on from that initial hearing and determination, the parties and the Court can consider whether, and if so how, the remaining claims (i.e. as set out in the other Base Schedules) should be progressed, noting that some guidance is likely to be provided from any determination(s) that are made in respect of the Representative Bases.

Proposed Representative Bases

10. Part H of the Statement of Claim identifies several distinct categories of Defence Bases, each raising different factual and legal issues. To ensure that your clients' Defence meaningfully engages with the breadth of those issues, we propose that your clients plead to a set of Representative Bases which are drawn from the following categories pleaded at paragraphs 138 and 139 of the Statement of Claim:
 - (a) a "Steady State Base (or a **Category 1** Base)" in which the migration of PFAS has reached its geographical limit within that Base and surrounding areas, notwithstanding the continual leaching or dispersal of PFAS within that Base and surrounding areas;

¹ Whilst there are 28 Defence Bases identified, there are only 27 Base Schedules. This is because the Schedule for the Williams Base includes both RAAF Base Laverton and RAAF Base Point Cook (noting their relative proximity to each other).

² Including in relation to all 27 Base Schedules.

³ Akin to a separate trial of questions, as contemplated by rule 30.01 of the *Federal Court Rules 2011* (Cth).

- (b) an “Expanding Base (or a **Category 2** Base)” in which the migration of PFAS has not yet reached its geographical limit, notwithstanding the leaching or dispersal of PFAS within that Base and surrounding areas, and is migrating to new and additional areas within that Base and surrounding areas;
 - (c) an “Exceedance of Australian Drinking Water Guidelines (**ADWG**) and Australian Recreational Guidelines (**ARG**) Base (or a **Category 3** Base)” in which the contamination arising from PFAS exceeds guideline values for acceptable PFAS levels in:
 - (i) drinking water in the 2018 and/or 2025 ADWG; and further or alternatively;
 - (ii) recreational waters in the 2019 ARG and/or the 2026 Draft ARG.
11. In addition to the above categories, the Representative Bases should also include the following:
- (a) a Victorian Base to specifically address the section 39 of the *Environment Protection Act 2017* (Vic) claims; and
 - (b) a Base where significant Remediation and Mitigation Activities have been undertaken by the Commonwealth, including to mitigate the effects of the Base PFAS Contamination and which is demonstrative of the effects of those activities on the contamination levels at the Base and in surrounding areas.
12. Having regard to the categories and features identified above, the Commonwealth has identified the following six (6) Base Schedules, as being appropriate Representative Bases:

Item No.	Base	Location (State/Territory)	Category	Schedule to SOC
1.	Wagga Base	New South Wales	Categories 2 and 3	Schedule 7
2.	Tindal Base	Northern Territory	Categories 2 and 3	Schedule 11
3.	Townsville Base	Queensland	Categories 1 and 3	Schedule 15
4.	Oakey Base	Queensland	Categories 2 and 3	Schedule 16
5.	Edinburgh Base	South Australia	Categories 2 and 3	Schedule 18
6.	East Sale Base	Victoria	Categories 2 and 3	Schedule 21

13. Assuming your clients are agreeable to this approach (which we note would result in your clients not being required to respond to 21 of the 27 Base Schedules), we have enclosed a proposed set of orders to that effect. Relevantly, the proposed orders contemplate your clients’ filing a Defence to both the Statement of Claim and the six identified Representative Bases only.

Timing for the Defence

14. Given your clients’ indication that they could provide a Defence to the Statement of Claim and all 27 Base Schedules by 11 December 2026, if the above proposal is accepted, then the Commonwealth considers less time would be required to undertake that task.
15. Accordingly, the Commonwealth proposes that your clients file and serve their Defence by **7 October 2026**. We consider that timeframe to be reasonable having regard to the following matters:

- (a) the number of Base Schedules to which your clients would be required to plead has been substantially reduced from 27 to 6 Representative Bases (that is, less than one-quarter of the Base Schedules);
- (b) 3M Australia Pty Ltd has been in possession of the Statement of Claim and Base Schedules since it was served on 28 May 2026, and 3M Company since 15 June 2026;
- (c) your clients have been in possession of the documents referred to in the Statement of Claim (including Table A) and each of the Base Schedules since 7 July 2026;
- (d) confining the proposed Defence to 6 Representative Bases materially reduces the volume of documents and factual matters requiring consideration for the purposes of pleading your clients' Defence;
- (e) the Statement of Claim, particularly Parts A, C and D and Table A, refers to and particularises documents published or otherwise distributed by your clients and, in the case of 3M Company, matters that have been the subject of litigation in other jurisdictions. While the allegations concern conduct over an extended period, those matters are well known to your clients (particularly 3M Company) and should be capable of being responded to without undue difficulty;
- (f) the Statement of Claim, particularly Part E, outlines the procurement by the Commonwealth of 3M AFFF during the relevant period. Having regard to the detailed particulars provided and your clients' involvement in that procurement process, those matters should be capable of being responded to without undue difficulty; and
- (g) to the extent that your clients consider it necessary to engage consulting experts to assist with the preparation of their Defence, limiting the defence to 6 Representative Bases should enable any such work to be appropriately confined. In particular, the features of each of the Defence Bases and associated testing requiring expert consideration would, at least initially, be limited to those Representative Bases.

Further and Better Particulars

- 16. We note that your clients' proposed orders make provision for requests for further and better particulars. We also note your clients' observation in Your 27 July Letter that the Statement of Claim contains "*extensive particulars*".
- 17. In those circumstances, and given the level of detail already provided in the Statement of Claim and the Base Schedules, the Commonwealth does not accept that further and better particulars are required in order to enable your clients to plead their Defence.⁴ Accordingly, the Commonwealth does not consent to the inclusion of any orders providing for requests for further and better particulars.

Proposed cross-claims

- 18. We note reference is made in Your 27 July Letter that your clients anticipate filing a number of notices of cross-claims, apportionment claims and/or contributory negligence claims. We also note that your clients' proposed orders seek to preserve your clients' ability to amend their Defence at large until at least 30 April 2027 to address those matters (and we note, not otherwise to address your proposal to initially plead at a level of generality). However, beyond identifying the possibility that such claims may exist (or more accurately, may be commenced by your

⁴ As would be required under Rule 16.45 of the *Federal Court Rules 2011* (Cth).

clients), the precise nature of those claims is otherwise not identified. Nor are any proposed respondents identified. In the absence of proper identification of those claims, the Commonwealth does not consider it appropriate for your clients to be granted leave (effectively at large) to amend their Defence for that purpose, as is contemplated by your clients' proposed orders.

19. Instead, it would be more efficient and appropriate for you to either identify a proper basis for those claims now, or for the matter to be listed for a further case management following on from the filing of your clients' Defence – that is, in or after October 2026. If, at that stage, your clients have identified any cross-claims that they wish to pursue, a timetable can be proposed for those steps and any appropriate orders sought (including any proposal to make amendments that may be necessary and appropriate for your clients' Defence). The Commonwealth will consider any such proposal upon its merits.
20. This position is reflected in the enclosed proposed orders.
21. However, so that the proceedings are otherwise not unduly delayed (including because your clients' may not identify any potential cross-claims they wish to pursue by the time of the next case management hearing), we have also included orders for the Commonwealth to file and serve a Reply. At present, this is contemplated to occur after the next proposed case management hearing, so that if adjustments are necessary they can be made at that point. In addition, we anticipate that after the provision of your clients' Defence, the parties will then be in a position to usefully discuss any discovery process, including any document management protocol that may be required.

Next steps

22. Given that the matter is listed for a first case management hearing on 7 August 2026, we would be grateful if you could provide your clients' position in relation to the matters set out above, and the enclosed proposed orders, **by 4pm on Monday, 3 August 2026**.
23. To facilitate agreement on proposed orders ahead of the case management hearing, and the preparation of a joint position paper for provision to the Court in advance of that hearing, we would also be grateful if you could identify **by 4pm on Monday, 3 August 2026** the Counsel who will appear on behalf of your clients. This will enable our respective counsel to confer in advance of the hearing. Our counsel will be Ms Fiona McLeod AO SC and Ms Lindy Barrett.
24. We look forward to hearing from you.

Yours sincerely



Holding Redlich

MINUTES OF CONSENT ORDER

No. VID 552 of 2026

Federal Court of Australia

District Registry: Victoria

Division: General

THE COMMONWEALTH OF AUSTRALIA

Applicant

3M COMPANY (DELAWARE COMPANY NUMBER 262413) and another named in the schedule

Respondents

Judge: Justice Button

Date of order: 7 August 2026

Where made: Melbourne

THE COURT ORDERS BY CONSENT THAT:

Defence

1. By 7 October 2026, the Respondents file and serve their Defence to the Statement of Claim and the following Schedules to the Statement of Claim:
 - (a) Schedule 7 – Wagga Base;
 - (b) Schedule 11 – Tindal Base;
 - (c) Schedule 15 – Townsville Base;
 - (d) Schedule 16 – Oakey Base;
 - (e) Schedule 18 – Edinburgh Base; and
 - (f) Schedule 21 – East Sale Base.
2. By 9 December 2026, the Applicant is to file and serve any Reply.

Case Management Hearing

3. The proceeding be listed for a case management hearing on the first available date after 7 October 2026.

Filed on behalf of (name & role of party)	The Applicant, The Commonwealth of Australia
Prepared by (name of person/lawyer)	Joanne Jary and Howard Rapke
Law firm (if applicable)	Holding Redlich
Tel	+61 7 3135 0681 and +61 3 9321 9752
Fax	(03) 9321 9900
Email	joanne.jary@holdingredlich.com and howard.rapke@holdingredlich.com
Address for service (include state and postcode)	Level 23, 500 Bourke Street, MELBOURNE VIC 3000

Other

4. Liberty to apply
5. Costs are reserved.

Date:

.....
Joanne Jary
Holding Redlich
Lawyer for the Applicant

Date:

.....
[Solicitor name]
Herbert Smith Freehills Kramer
Lawyer for the Respondents

Schedule

No. VID 552 of 2026

Federal Court of Australia
District Registry: Victoria
Division: General

Respondent

Second Respondent:

3M AUSTRALIA PTY LTD (ACN 000 100 096)

Date:



Howard Rapke
Holding Redlich
+61 3 9321 9752
howard.rapke@holdingredlich.com

3 August 2026
Matter 82731702
By Email

Joanne Jary
Holding Redlich
+61 7 3135 0681
Email joanne.jary@holdingredlich.com

Dear Colleagues

The Commonwealth of Australia v 3M Company (3M) & 3M Australia Pty Ltd (3M Australia)

We refer to:

- your letter dated 17 July 2026 regarding timing for our client's defence and orders to be sought at the first directions hearing on 7 August 2026;
- our letter dated 27 July 2026 enclosing a proposed minute of orders for the filing of our clients' defence and any notices of cross-claim (**Our Letter**); and
- your response dated 30 July 2026 enclosing a proposed minute of orders (**Your Letter**).

Respondents' Proposal

1. Your Letter appears to us to demonstrate a misunderstanding of the Respondents' proposal and the rationale for it. For the avoidance of doubt, the Respondents' proposal has three limbs:
 - (a) **First**, file a defence by 11 December 2026 in respect of allegations made in Parts A, C, D, E, F, G.1, J, K, L, M and N of the Statement of Claim;
 - (b) **Second**, the defence filed by 11 December will, in response to the allegations contained in Parts B, G.2, H, I, and Schedules 1 to 27 contain, for the most part, non-admissions or denials. Our clients will of course endeavour to minimise non-admissions in response to these paragraphs but, for the reasons articulated in Our Letter, our assessment is that this will be very challenging in that timeframe; and
 - (c) **Third**, file an amended defence including any cross-claims and/or claims of apportionment and/or claims of contributory negligence and any notices of cross-claim, by 30 April 2027.

Our Letter also contains an alternative proposal, that the steps outlined above are consolidated and that the necessary filings occur by 30 April 2027.



2. Our Letter sets out in detail (at paragraphs 9 to 13) the information and enquiries that have informed our assessment of feasible timeframes. This assessment reflects the nature of the allegations, many of which concern factual matters relating to the Commonwealth that fall outside our client's knowledge, and which will require detailed and extensive expert investigation. The documents produced to date indicate that the Commonwealth has been engaged in precisely this exercise for a significant period of time.
3. Given the primary focus of the allegations in the Statement of Claim and the accompanying schedules, it is a gross oversimplification of the work involved to assert in paragraph 8(c) of Your Letter that 'many of the pleaded matters are derived from' our clients' documents and must be 'well known to your clients including because they have been the subject of litigation conducted elsewhere'. Our proposal reflects our detailed consideration of the information and material that is more readily available to our clients.

Application for separate question

4. The Commonwealth's proposal described in paragraph 9 of Your Letter is,¹ as you have identified in Footnote 3, a proposal, in effect, for the determination of separate question/s. Rule 30.01(1) of the Federal Court Rules 2011 (Cth) (**FCR**) provides that a party may apply to the Court for an order that a question arising in the proceeding be heard separately from any other questions.²
5. As you know, the ordinary course is for all issues in a proceeding to be determined at the one time. The principles applicable to the ordering of separate questions pursuant to r 30.01(1) of the FCR were helpfully summarised by Stone J in *University of Sydney v ResMed Ltd (No 5)* [2012] FCA 232 at [41]-[47], and relevantly include the following:
 - (a) factors which tend to *support* the making of an order include that the separate determination of the question may:
 - (i) contribute to the saving of time and cost by substantially narrowing the issues for trial, or even lead to disposal of the action; or
 - (ii) contribute to the settlement of the litigation; and
 - (b) factors which *tell against* the making of an order include that the separate determination of the question may:
 - (i) give rise to significant contested factual issues both at the time of the hearing of the preliminary question and at the time of trial;
 - (ii) result in significant overlap between the evidence adduced on the hearing of the separate question and at trial –possibly involving the calling of the same witnesses at both states of the hearing of the proceeding; or
 - (iii) prolong rather than shorten the litigation.

¹ That "the proceeding initially progress upon the basis that the Court will hear and determine those matters raised in the Statement of Claim and the schedules for the Representative Bases only".

² Noting that the party seeking to have a separate determination bears the onus of demonstrating that there should be a departure from the ordinary course (per *Liberty Financial Pty Ltd v Scott* [2003] FCA 226 at [35]; *Energy Australia v Australian Energy Ltd* [2001] FCA 1049 at [5], cited by Stone J in *University of Sydney v ResMed Ltd (No 5)* [2012] FCA 232 at [42]).



6. If the Commonwealth wishes to proceed in the manner described in Your Letter, the Commonwealth is required to file an application with supporting evidence addressing the factors outlined above. Based on the relatively little information provided in Your Letter, and the late stage at which this proposal has been conveyed, it is not apparent to us that your client's proposal satisfies the necessary criteria, as outlined above or has indeed considered them in any great detail.
7. Our clients do not consent to any application for the determination of separate questions and consider any such proposal for a split trial to be premature given the circumstances outlined above.

Further and Better Particulars

8. While we acknowledge that the Statement of Claim and schedules contain extensive particulars, we do not accept the characterisation that they are sufficient to enable our clients to prepare a defence to every allegation in the Statement of Claim. We reiterate our position that it will be necessary to request particulars of certain allegations in the Statement of Claim and we will seek an order to this effect at the case management hearing.
9. Consistent with this view, we intend to serve a request for further and better particulars before the case management hearing this week.

Cross-claims

10. As explained at paragraph 17 of Our Letter, pursuant to rule 15.04(a) of the FCR, a notice of cross-claim must ordinarily be filed at the same time as the filing of the respondent's defence.
11. The process for identifying any other proposed respondents, and the precise nature of any claims against them, including any claims of apportionment and/or claims of contributory negligence, is necessarily complex, as outlined in paragraphs 16(a) to (d) of Our Letter.
12. It is anticipated that the list of potential cross-respondents may be extensive and may vary according to the activities undertaken at each of the Base and off-site areas (and selecting the limited sample of Bases, namely those in Schedules 7, 11, 15, 16, 18 and 21 will not effectively dispose of the issue).
13. Plainly, it would not be appropriate for our clients to join additional parties to the proceeding, or to make allegations against them, without first undertaking the investigations necessary to determine whether there is a proper basis for doing so. Those enquiries are integral to the preparation of pleadings by our clients, and bear directly on the manner in which our clients plead to and otherwise allege matters concerning causation, reliance, loss, contribution and apportionment in respect of the alleged contamination at each Base.
14. All parties to this proceeding have an obligation to run this proceeding in an efficient and cost-effective manner. While we don't expect the likelihood of cross-claims, apportionment or contributory negligence to come as any great surprise to the Commonwealth, we disclosed the likelihood of cross-claims, apportionment and contributory negligence to you at this early stage as a relevant factor for the parties to consider when mapping out next steps in the proceeding. The complexity of the work involved in undertaking this exercise will, or at least should be, apparent to the Commonwealth given the considerable analysis that the Commonwealth appears to have undertaken across the 28 Bases for an approximate 10-year period.



Next Steps

15. We reiterate our clients' position and intend to seek the orders attached to our 27 July 2026 letter.
16. At paragraph 23 of Your Letter, you refer to the preparation of a joint position paper for provision to the Court in advance of the case management hearing. The email from the Associate to Button J, received on 30 July 2026, does not require the preparation of a position paper and, given the significant differences in the position of our respective clients, a joint position paper would likely be of little assistance to the judge. Rather, in accordance with the directions of Button J, our clients' counsel will prepare submissions of no more than five pages to accompany their proposed orders.

Yours sincerely

Aoife Xuereb
Partner
Herbert Smith Freehills Kramer

+61 3 9288 1874
+61 428 751 434
aoife.xuereb@hsfkramer.com

Peter Briggs
Partner
Herbert Smith Freehills Kramer

+61 2 9225 5155
+61 409 030 299
peter.briggs@hsfkramer.com

Herbert Smith Freehills Kramer LLP and its affiliated and subsidiary businesses and firms, Herbert Smith Freehills Kramer (US) LLP and its affiliate, and Herbert Smith Freehills Kramer, an Australian Partnership, are separate member firms of the international legal practice known as Herbert Smith Freehills Kramer. We practise in Australia through Herbert Smith Freehills Kramer, an Australian Partnership (ABN 98 773 882 646).



Howard Rapke
Holding Redlich
+61 3 9321 9752
howard.rapke@holdingredlich.com

5 August 2026
Matter 82731702
By Email

Joanne Jary
Holding Redlich
+61 7 3135 0681
joanne.jary@holdingredlich.com

Dear Colleagues

The Commonwealth of Australia v 3M Company (3M) & 3M Australia Pty Ltd (3M Australia)

We refer to your client's Statement of Claim filed 28 May 2026 (**Statement of Claim**).

Noting your client's obligation to act as a model litigant (as set out in Division 2 of Part 5 of the *Legal Services Directions 2025* (Cth), including the obligation in section 41(f) to keep the costs of litigation to a minimum), we write to request information from you regarding the use of aqueous film forming foam (**AFFF**) by the Commonwealth at the Bases, other than 3M AFFF. Our clients require this information in order to investigate and assess potential third-party claims, and any contributory negligence claims.

1. For each Base and its surrounding areas, please provide the details of any AFFF products, other than 3M AFFF, that were procured, stored, held, used, tested, disposed of or otherwise handled by or on behalf of the Commonwealth for each year from 1966 onwards (including, without limitation, Ansulite 6% AFFF, Aerowater, Tridol or Solberg products) including:
 - (a) the name of the manufacturer and supplier of the product;
 - (b) the brand name, product name, formulation, concentration and batch or lot details of the product;
 - (c) the volume of the product that was procured, stored, held, used, tested, disposed of or otherwise handled by the Commonwealth;
 - (d) the location at which each product was stored, held, used, tested, disposed of or otherwise handled by the Commonwealth;
 - (e) details regarding how and for what purpose each product was used by the Commonwealth at the Base and its surrounding areas;
 - (f) details regarding whether any third parties used the product at the Base and its surrounding areas, and if so, how, where, when and for what purpose.
2. For each Base, during the period from 1966 onwards, please provide details of the use of 3M AFFF at the Base and its surrounding areas by third parties, including details of:
 - (a) the name of the third party;
 - (b) when it was used by the third party at the Base and its surrounding areas;



- (c) the location within the Base and its surrounding areas where it was used; and
 - (d) the purpose for its use.
- 3. For each Base and its surrounding areas, during the period from 1966 onwards, please identify any areas, other than the "[Base Name] Use Areas" identified in the Schedules to the Statement of Claim, in which the Commonwealth used 3M AFFF.
- 4. For each Base and its surrounding areas, during the period from 1966 onwards, please identify any activities, other than those identified in the Schedules to the Statement of Claim, for which the Commonwealth used 3M AFFF.
- 5. For each Base, during the period from 1966 onwards, please provide the details of any products containing PFAS (other than 3M AFFF or AFFF), that were procured, stored, held, used, tested, disposed of or otherwise handled by or on behalf of the Commonwealth, or by a third party, at the Base and its surrounding areas for each year, including:
 - (a) the name of the manufacturer and supplier of the product;
 - (b) the brand name, product name, formulation, concentration and batch or lot details of the product;
 - (c) the volume of the product that was procured, stored, held, used, tested, disposed of or otherwise handled;
 - (d) the location at which each product was stored, held, used, tested, disposed of or otherwise handled;
 - (e) details regarding how and for what purpose each product was used at the Base.
- 6. For each Base and its surrounding areas, when did the Commonwealth cease using:
 - (a) 3M AFFF;
 - (b) any other AFFF;
 - (c) any other product containing PFAS.
- 7. Please provide details of all public statements made by the Commonwealth concerning the storage, holding, use, testing, disposal or handling of AFFF or PFAS (whether 3M AFFF or other).

We require this information by 25 August 2026. We are content to receive this information in tranches if that is more convenient to the Commonwealth.

Yours sincerely

Aoife Xuereb
Partner
Herbert Smith Freehills Kramer

+61 3 9288 1874
+61 428 751 434

aoife.xuereb@hsfkramer.com

Herbert Smith Freehills Kramer LLP and its affiliated and subsidiary businesses and firms, Herbert Smith Freehills Kramer (US) LLP and its affiliate, and Herbert Smith Freehills Kramer, an Australian Partnership, are separate member firms of the international legal practice known as Herbert Smith Freehills Kramer. We practise in Australia through Herbert Smith Freehills Kramer, an Australian Partnership (ABN 98 773 882 646).

Peter Briggs
Partner
Herbert Smith Freehills Kramer

+61 2 9225 5155
+61 409 030 299

peter.briggs@hsfkramer.com

Mr Howard Rapke
Partner
Holding Redlich
howard.rapke@holdingredlich.com.au

5 August 2026
Matter 82789879
By Email

Ms Joanne Jary
Partner
Holding Redlich
joanne.jary@holdingredlich.com

Dear Ms Jary and Mr Rapke

The Commonwealth of Australia v 3M Company (3M) and 3M Australia Pty Ltd (3M Australia)

We refer to your client's Statement of Claim filed 28 May 2026 (Statement of Claim).

Our clients seek further and better particulars of the Statement of Claim, as set out below. Our clients reserve their right to make further requests for particulars, or seek further clarification regarding your client's claim, as may be necessary or appropriate.

References to paragraphs and capitalised terms in this letter are references to paragraphs and capitalised terms in the Statement of Claim, unless otherwise stated.

- 1 As to paragraph 25(c)(iii), specify what "significant distances" means.
- 2 As to paragraph 25(vi), specify what "potentially toxic" means and to what PFOS, PFHxS and PFOA were "potentially toxic", and at what concentration.
- 3 As to paragraph 25(ix), specify what "potentially carcinogenic" means.
- 4 As to paragraph 30, specify what "potentially 'toxic'" means and to what FC-95 (or PFOS) was "potentially 'toxic'", and at what concentration.
- 5 As to paragraph 31:
 - (a) is it the case that the allegation in paragraph 31 is limited to FC-194, FC-195 and FC-196, and if not, specify the other chemicals to which the allegation in this paragraph relates;
 - (b) specify what "acute toxicity" means and to what FC-194, FC-195 and FC-196 (and any other chemical to which paragraph 31 relates) were acutely toxic, and at what concentration.
- 6 As to paragraph 34:
 - (a) is it the case that the allegation in paragraph 34 is limited to FC-200, and if not, specify the other chemicals to which the allegation in this paragraph relates; and
 - (b) specify what is meant by the expression "toxic and other effects" and to what FC-200 (and any other chemical to which paragraph 34 relates) were toxic or otherwise had an "effect", and at what concentration.
- 7 In relation to paragraph 36, noting the requirement in rule 16.43 of the Federal Court Rules 2011 (the Rules) to provide proper particulars for a condition of mind, and to



provide particulars of the facts and circumstances from which 3M ought to have acquired the alleged knowledge:

- (a) identify who at 3M is alleged to have had the alleged actual knowledge;
- (b) provide proper particulars of the facts on which the Applicant relies to establish the alleged actual knowledge;
- (c) identify who at 3M ought to have had the alleged knowledge;
- (d) provide proper particulars of the facts and circumstances from which it is alleged 3M ought to have acquired the alleged knowledge.

8 In relation to paragraph 37, contrary to the supplied particulars, the generalised allegations in paragraphs 2(e), 8-11 and 36 do not supply a basis for an inference as to what 3M Australia ought to have known. Given the requirement in rule 16.43 of the Rules to provide proper particulars for such allegations of knowledge, provide proper particulars of the facts and circumstances from which 3M Australia ought to have acquired the knowledge alleged.

9 As to paragraph 38, is it the case that the allegation is limited to FC-95, FC-200, FC-203 and FC-206, and if not, specify the other chemicals to which the allegation in this paragraph relates.

10 As to paragraph 39:

- (a) is it the case that the allegation is limited to FC-95, FC-200, FC-203 and FC-206, and if not, specify the other chemicals to which the allegation in this paragraph relates;
- (b) specify what is meant by “potentially harmful” and “toxic” and to which animals FC-95, FC-200, FC-203 and FC-206 (and any other chemical to which paragraph 39 relates) were “potentially harmful” or “toxic”, and at what concentration.

11 As to paragraph 42, noting the requirement in rule 16.43 of the Rules to provide proper particulars for a condition of mind:

- (a) identify the “senior employees (at least) of 3M” who are referred to in the allegation;
- (b) provide proper particulars of the facts on which the Applicant relies to establish the alleged awareness.

12 As to paragraph 43, is it the case that the allegation is limited to FC-206, and if not, specify the other chemicals to which the allegation in this paragraph relates.

13 As to paragraph 44:

- (a) is it the case that the allegation is limited to FC-206, and if not, specify the other chemicals to which the allegation in this paragraph relates;
- (b) specify what is meant by “potentially harmful” and “toxic” and to which animals FC-206 (and any other chemical to which paragraph 44 relates) were “potentially harmful” or “toxic”, and at what concentration.

14 As to paragraph 49:

- (a) specify what is meant by “potentially harmful” and “otherwise toxic” in sub-paragraph (a), and at what concentration;
- (b) specify to which animals sub-paragraph (a) relates;
- (c) specify to which animals sub-paragraph (d) relates;



- (d) specify what is meant by “could leach” and “potentially migrate” in sub-paragraph (e);
 - (e) specify what is meant by “other areas” in sub-paragraph (e).
- 15 As to paragraph 52(a):
- (a) specify what is meant by “potentially harmful” and “otherwise toxic” and to which animals PFOS, PFOA, alternatively FC-95, FC-143 and FM-3422 were “potentially harmful” or “otherwise toxic”, and at what concentration;
 - (b) contrary to the supplied particulars, the generalised allegations in paragraphs 39(a), 40(b), 44(a), 48(b) and 49(a) do not supply a basis for an inference as to what 3M knew or ought to have known. Noting the requirement in rule 16.43 of the Rules to provide proper particulars for a condition of mind, and to provide particulars of the facts and circumstances from which 3M ought to have acquired the alleged knowledge:
 - (1) identify who at 3M is alleged to have had the alleged actual knowledge;
 - (2) provide proper particulars of the facts on which the Applicant relies to establish the alleged actual knowledge;
 - (3) identify who at 3M ought to have had the alleged knowledge;
 - (4) provide proper particulars of the facts and circumstances from which it is alleged 3M ought to have acquired the alleged knowledge.
- 16 As to paragraph 52(b):
- (a) specify what is meant by “could leach” and “potentially migrate”;
 - (b) specify what is meant by “other areas”;
 - (c) contrary to the supplied particulars, the generalised allegations in paragraphs 39(b), 40(a), 40(b), 44(b), 48(c), 49(b), 49(c) and 49(e) do not supply a basis for an inference as to what 3M knew or ought to have known. Noting the requirement in rule 16.43 of the Rules to provide proper particulars for a condition of mind, and to provide particulars of the facts and circumstances from which 3M ought to have acquired the alleged knowledge:
 - (1) identify who at 3M is alleged to have had the alleged actual knowledge;
 - (2) provide proper particulars of the facts on which the Applicant relies to establish the alleged actual knowledge;
 - (3) identify who at 3M ought to have had the alleged knowledge;
 - (4) provide proper particulars of the facts and circumstances from which it is alleged 3M ought to have acquired the alleged knowledge.
- 17 As to paragraph 52(c):
- (a) specify in which animals PFOS, PFOA, alternatively FC-95, FC-143 and FM-3422 bioconcentrated and/or bioaccumulated;
 - (b) contrary to the supplied particulars, the generalised allegations in paragraphs 48(a) and 49(d) do not supply a basis for an inference as to what 3M knew or ought to have known. Noting the requirement in rule 16.43 of the Rules to provide proper particulars for a condition of mind, and to provide particulars of the facts and circumstances from which 3M ought to have acquired the alleged knowledge:



- (1) identify who at 3M is alleged to have had the alleged actual knowledge;
 - (2) provide proper particulars of the facts on which the Applicant relies to establish the alleged actual knowledge;
 - (3) identify who at 3M ought to have had the alleged knowledge;
 - (4) provide proper particulars of the facts and circumstances from which it is alleged 3M ought to have acquired the alleged knowledge.
- 18 As to paragraph 52(d), contrary to the supplied particulars, the generalised allegations in paragraphs 42 and 47 do not supply a basis for an inference as to what 3M knew or ought to have known. Noting the requirement in rule 16.43 of the Rules to provide proper particulars for a condition of mind, and to provide particulars of the facts and circumstances from which 3M ought to have acquired the alleged knowledge:
 - (a) identify who at 3M is alleged to have had the alleged actual knowledge;
 - (b) provide proper particulars of the facts on which the Applicant relies to establish the alleged actual knowledge;
 - (c) identify who at 3M ought to have had the alleged knowledge;
 - (d) provide proper particulars of the facts and circumstances from which it is alleged 3M ought to have acquired the alleged knowledge.
- 19 As to paragraph 53(a):
 - (a) specify what is meant by “potentially harmful” and “otherwise toxic” and to which animals PFOS, PFOA, alternatively FC-95, FC-143 and FM-3422 were “potentially harmful” or “otherwise toxic”, and at what concentration;
 - (b) contrary to the supplied particulars, the generalised allegations in paragraphs 2(e), 8-11 and 52 do not supply a basis for an inference as to what 3M Australia ought to have known. Noting the requirement in rule 16.43 of the Rules:
 - (1) identify who at 3M Australia ought to have had the alleged knowledge;
 - (2) provide proper particulars of the facts and circumstances from which it is alleged 3M Australia ought to have acquired the alleged knowledge.
- 20 As to paragraph 53(b):
 - (a) specify what is meant by “could leach” and “potentially migrate”;
 - (b) specify what is meant by “other areas”;
 - (c) contrary to the supplied particulars, the generalised allegations in paragraphs 2(e), 8-11 and 52 do not supply a basis for an inference as to what 3M Australia ought to have known. Noting the requirement in rule 16.43 of the Rules:
 - (1) identify who at 3M Australia ought to have had the alleged knowledge;
 - (2) provide proper particulars of the facts and circumstances from which it is alleged 3M Australia ought to have acquired the alleged knowledge.
- 21 As to paragraph 53(c):
 - (a) specify in which animals PFOS, PFOA, alternatively FC-95, FC-143 and FM-3422 bioconcentrated and/or bioaccumulated;
 - (b) contrary to the supplied particulars, the generalised allegations in paragraphs 2(e), 8-11 and 52 do not supply a basis for an inference as to what 3M Australia ought to have known. Noting the requirement in rule 16.43 of the Rules:



- (1) identify who at 3M Australia ought to have had the alleged knowledge;
 - (2) provide proper particulars of the facts and circumstances from which it is alleged 3M Australia ought to have acquired the alleged knowledge.
- (c) As to paragraph 53(d), contrary to the supplied particulars, the generalised allegations in paragraphs 2(e), 8-11 and 52 do not supply a basis for an inference as to what 3M Australia ought to have known. Noting the requirement in rule 16.43 of the Rules:
 - (1) identify who at 3M Australia ought to have had the alleged knowledge;
 - (2) provide proper particulars of the facts and circumstances from which it is alleged 3M Australia ought to have acquired the alleged knowledge.
- 22 As to paragraph 54, is it the case that the allegation is limited to FC-200, FC-206 and FC-3017, and if not, specify the other chemicals to which the allegation in this paragraph relates.
- 23 As to paragraph 55, is it the case that the allegation is limited to FC-203, FC203-A, FC-203NFP, FC-206, FC-600 and FC-3017, and if not, specify the other chemicals to which the allegation in this paragraph relates.
- 24 As to paragraph 59, specify the formulations to which the allegation relates.
- 25 As to paragraph 68, specify what is meant by “the above information”.
- 26 As to paragraph 72(a):
 - (a) specify what is meant by “potentially harmful” and “otherwise toxic” and to which animals PFOS, PFOA, alternatively FC-95, FC-143 and FM-3422 were “potentially harmful” or “otherwise toxic”, and at what concentration;
 - (b) contrary to the supplied particulars, the generalised allegations in paragraphs 56, 58(a) and 67 do not supply a basis for an inference as to what 3M knew or ought to have known. Noting the requirement in rule 16.43 of the Rules to provide proper particulars for a condition of mind, and to provide particulars of the facts and circumstances from which 3M ought to have acquired the alleged knowledge:
 - (1) identify who at 3M is alleged to have had the alleged actual knowledge;
 - (2) provide proper particulars of the facts on which the Applicant relies to establish the alleged actual knowledge;
 - (3) identify who at 3M ought to have had the alleged knowledge;
 - (4) provide proper particulars of the facts and circumstances from which it is alleged 3M ought to have acquired the alleged knowledge.
- 27 As to paragraph 72(b):
 - (a) specify what is meant by “could leach” and “potentially migrate”;
 - (b) specify what is meant by “other areas”;
 - (c) contrary to the supplied particulars, the generalised allegations in paragraphs 54, 55, 58(a), 59, 60, 62, 63 and 68 do not supply a basis for an inference as to what 3M knew or ought to have known. Noting the requirement in rule 16.43 of the Rules to provide proper particulars for a condition of mind, and to provide particulars of the facts and circumstances from which 3M ought to have acquired the alleged knowledge:



- (1) identify who at 3M is alleged to have had the alleged actual knowledge;
- (2) provide proper particulars of the facts on which the Applicant relies to establish the alleged actual knowledge;
- (3) identify who at 3M ought to have had the alleged knowledge;
- (4) provide proper particulars of the facts and circumstances from which it is alleged 3M ought to have acquired the alleged knowledge.

28 As to paragraph 72(c):

- (a) specify in which animals PFOS, PFOA, alternatively FC-95, FC-143 and FM-3422 bioconcentrated and/or bioaccumulated;
- (b) contrary to the supplied particulars, the generalised allegations in paragraphs 58(a), 63 and 68 do not supply a basis for an inference as to what 3M knew or ought to have known. Noting the requirement in rule 16.43 of the Rules to provide proper particulars for a condition of mind, and to provide particulars of the facts and circumstances from which 3M ought to have acquired the alleged knowledge:
 - (1) identify who at 3M is alleged to have had the alleged actual knowledge;
 - (2) provide proper particulars of the facts on which the Applicant relies to establish the alleged actual knowledge;
 - (3) identify who at 3M ought to have had the alleged knowledge;
 - (4) provide proper particulars of the facts and circumstances from which it is alleged 3M ought to have acquired the alleged knowledge.

29 As to paragraph 72(d), contrary to the supplied particulars, the generalised allegations in paragraphs 42 and 47 do not supply a basis for an inference as to what 3M knew or ought to have known. Noting the requirement in rule 16.43 of the Rules to provide proper particulars for a condition of mind, and to provide particulars of the facts and circumstances from which 3M ought to have acquired the alleged knowledge:

- (a) identify who at 3M is alleged to have had the alleged actual knowledge;
- (b) provide proper particulars of the facts on which the Applicant relies to establish the alleged actual knowledge;
- (c) identify who at 3M ought to have had the alleged knowledge;
- (d) provide proper particulars of the facts and circumstances from which it is alleged 3M ought to have acquired the alleged knowledge.

30 As to paragraph 73(a):

- (a) specify what is meant by “potentially harmful” and “otherwise toxic” and to which animals PFOS, PFOA, alternatively FC-95, FC-143 and FM-3422 were “potentially harmful” or “otherwise toxic”, and at what concentration;
- (b) contrary to the supplied particulars, the generalised allegations in paragraphs 2(e), 8-11 and 52 do not supply a basis for an inference as to what 3M Australia ought to have known. Noting the requirement in rule 16.43 of the Rules:
 - (1) identify who at 3M Australia ought to have had the alleged knowledge;
 - (2) provide proper particulars of the facts and circumstances from which it is alleged 3M Australia ought to have acquired the alleged knowledge.



- 31 As to paragraph 73(b):
- (a) specify what is meant by “could leach” and “potentially migrate”;
 - (b) specify what is meant by “other areas”;
 - (c) contrary to the supplied particulars, the generalised allegations in paragraphs 2(e), 8-11 and 52 do not supply a basis for an inference as to what 3M Australia ought to have known. Noting the requirement in rule 16.43 of the Rules:
 - (1) identify who at 3M Australia ought to have had the alleged knowledge;
 - (2) provide proper particulars of the facts and circumstances from which it is alleged 3M Australia ought to have acquired the alleged knowledge.
- 32 As to paragraph 73(c):
- (a) specify in which animals PFOS, PFOA, alternatively FC-95, FC-143 and FM-3422 bioconcentrated and/or bioaccumulated;
 - (b) contrary to the supplied particulars, the generalised allegations in paragraphs 2(e), 8-11 and 52 do not supply a basis for an inference as to what 3M Australia or ought to have known. Noting the requirement in rule 16.43 of the Rules:
 - (1) identify who at 3M Australia ought to have had the alleged knowledge;
 - (2) provide proper particulars of the facts and circumstances from which it is alleged 3M Australia ought to have acquired the alleged knowledge.
 - (c) As to paragraph 73(d), contrary to the supplied particulars, the generalised allegations in paragraphs 2(e), 8-11 and 52 do not supply a basis for an inference as to what 3M Australia ought to have known. Noting the requirement in rule 16.43 of the Rules:
 - (1) identify who at 3M Australia ought to have had the alleged knowledge;
 - (2) provide proper particulars of the facts and circumstances from which it is alleged 3M Australia ought to have acquired the alleged knowledge.
- 33 As to paragraph 79, specify the “small quantities” purchased by the Commonwealth in about September 1972.
- 34 As to paragraph 81, specify the quantity of FC-200 purchased by the Commonwealth from 3M Australia from 11 January 1972 until 1974.
- 35 As to paragraph 91, specify the quantity of FC-3034 purchased by the Commonwealth from 3M Australia from March 1981 until 1994.
- 36 As to paragraph 99, specify the quantity of FC-3003 purchased by the Commonwealth from 3M Australia from September 1993 until 2001.
- 37 As to paragraph 104, specify the quantity of FC-3002 purchased by the Commonwealth from 3M Australia from July 1989 until 2003.
- 38 As to paragraph 114, specify the “large quantities of 3M AFFF” that were discharged to, or in and around, the Base Use Areas at each of the Bases.
- 39 As to paragraph 119(a), contrary to the supplied particulars, the generalised allegations in paragraphs 19 to 22 and Part E do not supply a basis for an inference as to what 3M knew or ought to have known. Noting the requirement in rule 16.43 of the Rules to provide proper particulars for a condition of mind, and to provide particulars of the facts and circumstances from which 3M ought to have acquired the alleged knowledge:
- (a) identify who at 3M is alleged to have had the alleged actual knowledge;



- (b) provide proper particulars of the facts on which the Applicant relies to establish the alleged actual knowledge;
- (c) identify who at 3M ought to have had the alleged knowledge;
- (d) provide proper particulars of the facts and circumstances from which it is alleged 3M ought to have acquired the alleged knowledge.

40 As to paragraph 119(b), contrary to the supplied particulars, the generalised allegations in paragraphs 19 to 22 and Part E do not supply a basis for an inference as to what 3M Australia knew or ought to have known. Noting the requirement in rule 16.43 of the Rules to provide proper particulars for a condition of mind, and to provide particulars of the facts and circumstances from which 3M Australia ought to have acquired the alleged knowledge:

- (a) identify who at 3M Australia is alleged to have had the alleged actual knowledge;
- (b) provide proper particulars of the facts on which the Applicant relies to establish the alleged actual knowledge;
- (c) identify who at 3M ought to have had the alleged knowledge;
- (d) provide proper particulars of the facts and circumstances from which it is alleged 3M Australia ought to have acquired the alleged knowledge.

41 As to paragraph 120(a), noting the requirement in rule 16.43 of the Rules to provide proper particulars for a condition of mind, and to provide particulars of the facts and circumstances from which 3M ought to have acquired the alleged knowledge:

- (a) identify who at 3M is alleged to have had the alleged actual knowledge;
- (b) provide proper particulars of the facts on which the Applicant relies to establish the alleged actual knowledge;
- (c) identify who at 3M ought to have had the alleged knowledge;
- (d) provide proper particulars of the facts and circumstances from which it is alleged 3M ought to have acquired the alleged knowledge.

42 As to paragraph 120(b), noting the requirement in rule 16.43 of the Rules to provide proper particulars for a condition of mind, and to provide particulars of the facts and circumstances from which 3M Australia ought to have acquired the alleged knowledge:

- (a) identify who at 3M Australia is alleged to have had the alleged actual knowledge;
- (b) provide proper particulars of the facts on which the Applicant relies to establish the alleged actual knowledge;
- (c) identify who at 3M Australia ought to have had the alleged knowledge;
- (d) provide proper particulars of the facts and circumstances from which it is alleged 3M Australia ought to have acquired the alleged knowledge.



- 43 As to paragraph 156, specify the dates on which the Commonwealth made each of the payments referred to in settlement of the Class Actions.
- 44 As to paragraph 157, specify the dates on which each of the “costs and expenses associated with the Class Actions” were incurred by the Commonwealth.
- 45 As to paragraph 159, specify the dates on which the Commonwealth paid any “settlement payments in respect of the Non-Class Action Claims”.
- 46 As to paragraph 160, specify the dates on which each of the “costs and expenses associated with the Class Actions” were incurred by the Commonwealth.

Yours sincerely

Aoife Xuereb
Partner
Herbert Smith Freehills Kramer

+61 3 9288 1874
+61 428 751 434
aoife.xuereb@hsfkramer.com

Peter Briggs
Partner
Herbert Smith Freehills Kramer

+61 2 9225 5155
+61 409 030 299
peter.briggs@hsfkramer.com

Herbert Smith Freehills Kramer LLP and its affiliated and subsidiary businesses and firms, Herbert Smith Freehills Kramer (US) LLP and its affiliate, and Herbert Smith Freehills Kramer, an Australian Partnership, are separate member firms of the international legal practice known as Herbert Smith Freehills Kramer. We practise in Australia through Herbert Smith Freehills Kramer, an Australian Partnership (ABN 98 773 882 646).

From: Garvey, Jessica
Sent: Friday, 10 July 2026 2:13 PM
To: Xuereb, Aoife; Joanne Jary; Document.Inspections@fedcourt.gov.au
Cc: Howard Rapke; Kylie Hall; Keir, Elsher
Subject: RE: VID552/2026: Non-Party Access Requests for THE COMMONWEALTH OF AUSTRALIA v 3M COMPANY (DELAWARE COMPANY NUMBER 262413) & ANOR [HR-MEL.FID1244510] [HSF-AUS01.FID6058357]

Dear Aris

Further to our emails below, we confirm that the Respondents do not object to the release of the Statement of Claim and the Originating Application.

Kind regards
Jessica

Jessica Garvey
Senior Associate
Herbert Smith Freehills Kramer

M +61 428 947 055
www.hsfkramer.com

Global capability. One firm.
[Follow our new LinkedIn page](#)

From: Xuereb, Aoife <aoife.xuereb@hsf.com>
Sent: Wednesday, 8 July 2026 1:46 PM
To: Joanne Jary <Joanne.Jary@holdingredlich.com>; Document.Inspections@fedcourt.gov.au
Cc: Howard Rapke <Howard.Rapke@holdingredlich.com>; Kylie Hall <Kylie.Hall@holdingredlich.com>; Garvey, Jessica <Jessica.Garvey@hsf.com>
Subject: RE: VID552/2026: Non-Party Access Requests for THE COMMONWEALTH OF AUSTRALIA v 3M COMPANY (DELAWARE COMPANY NUMBER 262413) & ANOR [HR-MEL.FID1244510] [HSF-AUS01.FID6058357]

Dear Aris

We refer to the correspondence below regarding the non-party access requests for the Originating Application and Statement of Claim filed in proceeding VID552/2026 on 28 May 2026.

On Tuesday afternoon, we received the documents referred to in the Statement of Claim from the Applicant. The Respondents are finalising instructions and respectfully request a short extension of time (to 2pm Friday, 10 July 2026) to provide their response.

We would be grateful if you could confirm if the Court is content with this course.

Regards

Aoife Xuereb

Partner
Herbert Smith Freehills

T +61 3 9288 1874 M +61 428 751 434 F +61 3 9288 1567

www.herbertsmithfreehills.com

From: Joanne Jary <Joanne.Jary@holdingredlich.com>

Sent: Wednesday, 1 July 2026 1:31 PM

To: Document.Inspections@fedcourt.gov.au

Cc: Xuereb, Aoife <aoife.xuereb@hsf.com>; Howard Rapke <Howard.Rapke@holdingredlich.com>; Kylie Hall <Kylie.Hall@holdingredlich.com>; Garvey, Jessica <jessica.garvey@hsf.com>

Subject: RE: VID552/2026: Non-Party Access Requests for THE COMMONWEALTH OF AUSTRALIA v 3M COMPANY (DELAWARE COMPANY NUMBER 262413) & ANOR [HSF-AUS01.FID6058357] [HR-MEL.FID1244510]

Dear Aris

We refer to your email below and the requests for leave pursuant to rule 2.32(4) of the Federal Court Rules 2011 (Cth).

We also refer to the Respondents' solicitor correspondence below.

Our client has no objections to the release of the Originating Application and the Statement of Claim.

As regards to the 27 Base Schedules to the Statement of Claim, our client considers that any application for release of the 27 Base Schedules should be addressed at or after the first Case Management Conference scheduled for Friday, 7 August before her Honour Justice Button. Should her Honour not be minded to defer consideration of the release of the 27 Base Schedules, we respectfully request until Wednesday 15 July to consider any objections to release to provide our client with sufficient time to review the documents and engage with relevant internal stakeholders.

We confirm the Respondents' solicitors are copied to this correspondence.

Regards

Joanne

Joanne Jary | Partner



Level 1, 300 Queen Street, Brisbane 4000 Australia
D :+61 7 3135 0681 M :+61 490 387 015
joanne.jary@holdingredlich.com www.holdingredlich.com
Brisbane . Melbourne . Canberra . Sydney . Cairns

From: Garvey, Jessica <jessica.garvey@hsfkramer.com>

Sent: Wednesday, 1 July 2026 10:12 AM

To: Document.Inspections@fedcourt.gov.au

Cc: Xuereb, Aoife <aoife.xuereb@hsfkramer.com>; Joanne Jary <Joanne.Jary@holdingredlich.com>; Howard

Rapke <Howard.Rapke@holdingredlich.com>

Subject: VID552/2026: Non-Party Access Requests for THE COMMONWEALTH OF AUSTRALIA v 3M COMPANY (DELAWARE COMPANY NUMBER 262413) & ANOR [HSF-AUS01.FID6058357]

Dear Aris

Thank you for your email.

For the reasons set out below, we respectfully request that the respondents be provided with a short one-week extension to respond to the Court's request.

The statement of claim in the proceeding:

1. is a lengthy document of 306 pages with schedules of 1,289 pages;
2. includes references to a large number of documents (approximately 375 documents not including documents in the schedules), which we have only recently requested copies of, from the applicant; and
3. more importantly, contains extracts and summaries of the content of quite a few of the documents which are referenced. A number of these extracts and summaries are derived from internal documents of the respondents and/or documents which have been sourced from foreign proceedings.

We would like to be provided with further time to consider the content of the statement of claim and, in particular, the extracts and summaries set out. Specifically, our clients request the short extension to evaluate topics of confidentiality and privilege, in relation to the extracts and summaries, before we respond to your request. Merely as an illustration, if a document which is referred to in the statement of claim is privileged, we will need to consider whether the summary set out in the statement of claim reveals privileged information.

Please let us know if the Court is content for us to respond to your request by 2pm on Wednesday 8 July 2026.

Kind regards
Jessica

Jessica Garvey
Senior Associate
Herbert Smith Freehills Kramer

M +61 428 947 055
www.hsfkramer.com

Global capability. One firm.
[Follow our new LinkedIn page](#)

From: Document Inspections <Document.Inspections@fedcourt.gov.au>

Sent: Monday, 29 June 2026 4:13 PM

To: Joanne.Jary@holdingredlich.com; Howard.Rapke@holdingredlich.com; Xuereb, Aoife <aoife.xuereb@hsf.com>

Cc: Document Inspections <Document.Inspections@fedcourt.gov.au>

Subject: VID552/2026: Non-Party Access Requests for THE COMMONWEALTH OF AUSTRALIA v 3M COMPANY (DELAWARE COMPANY NUMBER 262413) & ANOR

Dear Practitioners,

I refer to the Originating Application and Statement of Claim filed in the Federal Court of Australia on 28 May 2026.

The Court has received several non-party (media) access requests to inspect and copy the Originating Application and Statement of Claim. In accordance with r 2.32(2) of the *Federal Court Rules 2011* (Cth), prior to a first directions hearing or the hearing (whichever is earlier) these requests require leave of the Court pursuant to r 2.32(4). A practice note in respect of access to Court documents is available [here](#).

To enable the Court to consider whether leave ought to be granted, you are requested to provide the following information:

1. Whether your client has any objections to the release of the Originating Application and, if so, the nature of any such objections.
2. Whether your client has any objections to the release of the Statement of Claim and, if so, the nature of any such objections.

In order for the Court to deal promptly with the access request, you are requested to provide this information via return email by 2pm Wednesday 1 July 2026.

Yours faithfully,

Aris | Document Inspections | Court and Tribunal Services
Federal Court of Australia | Federal Circuit and Family Court of Australia
p. 1300 720 980 | e. Document.Inspections@fedcourt.gov.au
www.fedcourt.gov.au | www.fcfcfa.gov.au



River to Justice, original artwork by Maheen Rind

We acknowledge the Traditional Custodians of all the lands and waters we live, walk, and work on each day. We honour and pay our respects to Aboriginal and Torres Strait Islander cultures, and to their Elders past and present.

 Please consider the environment before printing this email

This message (including any attachment) is confidential and may be covered by legal professional privilege or include information that is legally protected. If you are not the intended recipient you must not disclose or use the information contained in it. If you have received this email in error please notify us immediately by return email or by calling our main switchboard on +612 9225 5000 and delete the email.

Herbert Smith Freehills Kramer LLP and its affiliated and subsidiary businesses and firms, Herbert Smith Freehills Kramer (US) LLP and its affiliate, and Herbert Smith Freehills Kramer, an Australian Partnership, are separate member firms of the international legal practice known as Herbert Smith Freehills Kramer. We practise in Australia through Herbert Smith Freehills Kramer, an Australian Partnership (ABN 98 773 882 646).

Further information is available on our website www.HSFKramer.com, including our [privacy policy](#) which describes how we handle personal information.