

NOTICE OF FILING

Details of Filing

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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". The signature is fluid and cursive, with the first letters of "Sia" and "Lagos" being capitalized and prominent.

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: **JOANNE LISBETH JARY**
Address: Care of Holding Redlich, Level 1, 300 Queen Street, Brisbane, Queensland
Occupation: Solicitor
Date: 5 August 2026

Contents

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Deponent

Witness

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

Document number	Details	Paragraph	Page
3	Letter from Holding Redlich to 3M Company dated 28 May 2026	3(a)	8-14
4	Letter from Holding Redlich to 3M Australia Pty Ltd dated 28 May 2026	3(a)	15-21
5	Signed letter of service from Holding Redlich to 3M Australia dated 28 May 2026	3(c)	22
6	Letter from Holding Redlich to Registrar Hammerton Cole dated 2 June 2026 attaching, amongst other things, letter of service to 3M Company serving the proceedings dated 2 June 2026	4	23-25
7	Email from 3M Australia Pty Ltd to Holding Redlich dated 3 June 2026	5	26
8	Letter from Holding Redlich to 3M Australia Pty Ltd dated 4 June 2026	6	27
9	Email from Ms Eleni Sideridis, Senior Legal Counsel of 3M Australia Pty Ltd to Holding Redlich dated 19 June 2026	8	28-29
10	Letter from HSF Kramer to Holding Redlich dated 24 June 2026	9	30-31
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14	Excerpt of Defence PFAS Management Site as at 4 August 2026	15	35-37
15	Letter from Holding Redlich to HSF Kramer dated 17 July 2026	16	38
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Deponent



Witness

I, **JOANNE LISBETH JARY**, care of Holding Redlich, Level 1, 300 Queen Street, Brisbane, Queensland, Solicitor, affirm:

1. I am a Partner of Holding Redlich, the solicitors acting on behalf of the Applicant. I am authorised to make this affidavit on behalf of the Applicant.
2. Now produced and shown to me and marked “**JLJ-1**” is a paginated bundle of documents. I refer to documents within this bundle in this affidavit by reference to their pagination in annexure **JLJ-1**.

Correspondence between the parties

3. On 28 May 2026:
 - (a) at 8:46am and 8:47am, Holding Redlich sent letters by email to the First and Second Respondents (together, the **Respondents**) providing formal notice of its intention to commence proceedings in the Federal Court of Australia. The letters were sent by email to Mr Kevin Rhodes (Executive Vice President, Chief Legal Affairs Officer and Secretary, First Respondent), Ms Eleni Sideridis (Senior Legal Counsel, Second Respondent), Ms Maureen Harms (associate General Counsel and Managing Counsel, First Respondent), and the 3M Ethics and Compliance Department. At pages 8 to 14, and 15 to 21 of annexure **JLJ-1** are copies of the letters sent to the Respondents (the **28 May Letters**).
 - (b) at approximately 9.07am, Holding Redlich filed the following documents in the Federal Court of Australia:
 - (i) Originating Application;
 - (ii) Statement of Claim; and
 - (iii) Genuine Steps Statement;
 - (c) at approximately 9.34am, an employee of Holding Redlich personally served the Second Respondent, by hand delivering copies of the documents listed in sub paragraph (b) above, at the Second Respondent’s registered office. At page 22 of annexure **JLJ-1** is a copy of the letter of service from Holding Redlich, which was signed by Ms Christine Holdsworth, who is the personal assistant of Ms Sideridis (Senior Legal Counsel of the Second Respondent).
4. Having received no response to Holding Redlich’s letters sent on 28 May 2026 from either Respondent, on 2 June 2026, Holding Redlich took steps to serve the First Respondent under the Hague Convention. At pages 23 to 25 of annexure **JLJ-1** is a copy of the letter from Holding Redlich to Registrar Hammerton Cole providing the Application for Service abroad which enclosed, amongst other things, the Service Letter to 3M Company dated 2 June 2026.



Deponent



Witness

5. On 3 June 2026, Holding Redlich received an email from Ms Sideridis of the Second Respondent acknowledging the letter of service and requesting an extension of time to respond to the 28 May Letters. At page 26 of annexure **JLJ-1** is a copy of this email.
6. On 4 June 2026, Holding Redlich sent a letter to the Second Respondent confirming the Applicant's agreement to the extension of time proposed by the Second Respondent. At page 27 of annexure **JLJ-1** is a copy of this letter.
7. On 15 June 2026, the First Respondent was served, under the Hague Convention, with a copy of the documents listed in paragraph 7(b). On 9 July 2026, Registrar Hammerton-Cole filed a Certificate of Service. The Certificate of Service is Court Document number 11 on the Court file in this proceeding.
8. On 19 June 2026, Holding Redlich received an email from Ms Sideridis of the Second Respondent foreshadowing that the Second Respondent would provide a more substantive response to the 28 May Letters the following week. At page 28 to 29 of annexure **JLJ-1** is a copy of this letter.
9. On 24 June 2026, Holding Redlich received a letter from the solicitors acting on behalf of the Respondents, Herbert Smith Freehills Kramer (**HSF Kramer**), enclosing a Notice of Address for Service and a Genuine Steps Statement for each of the Respondents. At pages 30 to 31 of annexure **JLJ-1** is a copy of this letter (without its enclosures).
10. On 24 June 2026, Holding Redlich received another letter from HSF Kramer confirming that the Respondents intend to file and serve a Defence to the Statement of Claim and stating that the Respondents would provide draft orders they intend to seek at the first Case Management Hearing. At page 32 of annexure **JLJ-1** is a copy of this letter.
11. On 30 June 2026, Holding Redlich received a letter from HSF Kramer requesting copies of the documents referred to in the Statement of Claim and Schedules. At page 33 of annexure **JLJ-1** is a copy of this letter.
12. On 7 July 2026, Holding Redlich sent a letter to HSF Kramer in response to the Respondents' request and provided copies of the documents referred to in the Statement of Claim and the Schedules that had been assigned document identification numbers, as identified in the Statement of Claim and the Schedules. In addition, the Applicant also provided copies of Commonwealth Government Gazette extracts referred to in paragraphs 88, 91 and 104 of the Statement of Claim, which were not referred to in the Statement of Claim by reference to document identification numbers. At page 34 of annexure **JLJ-1** is a copy of this letter.



Deponent



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13. There are 421 documents referred to in the Statement of Claim and Table A to the Statement of Claim by reference to document identification numbers. Of these documents, 310 documents are documents that are the Respondents' own documents and include, amongst other things:
- (a) internal 3M documents including testing reports, material safety data sheets and product environmental data sheets; and
 - (b) 3M publications including 3M Company's annual reports.
14. There are 2,025 documents referred to in the 27 Base Schedules to the Statement of Claim. These documents include, amongst other things:
- (a) preliminary and detailed site investigation reports;
 - (b) ongoing monitoring reports; and
 - (c) other investigatory and contaminating management reports.
15. The majority of these reports referred to in the Base Schedules are publicly available and are routinely published by the Applicant on its PFAS management sites website in respect of the bases to which the Base Schedules relate. At pages 35 to 37 of annexure **JLJ-1** is a copy of the cover page of the PFAS Management Site website which lists the Defence Bases the subject of the Applicant's PFAS Investigation and Management Program. This website is accessible at <https://www.defence.gov.au/about/locations-property/pfas/pfas-management-sites>.
16. On 17 July 2026, Holding Redlich sent a letter to HSF Kramer requesting the Respondents provide their proposed timetable for the filing and service of their Defence, together with the draft orders they intend to seek at the first Case Management Hearing. The letter sought a response from the Respondents by 21 July 2026. At page 38 of annexure **JLJ-1** is a copy of this letter.
17. On 21 July 2026, Holding Redlich received an email from HSF Kramer confirming they would provide a response to the 17 July letter by 24 July 2026. At pages 39 to 40 of annexure **JLJ-1** is a copy of this email.
18. On 24 July 2026, Holding Redlich received a further email from HSF Kramer confirming they were finalising instructions on a substantive response to the letter from Holding Redlich dated 17 July 2026 and would provide that response as soon as possible in the following week. At pages 41 to 42 of annexure **JLJ-1** is a copy of this email.
19. On 27 July 2026, Holding Redlich received a letter from HSF Kramer attaching the Respondents' proposed draft orders. At pages 43 to 51 of annexure **JLJ-1** is a copy of this letter and its enclosure.



Deponent



Witness

20. On 30 July 2026, Holding Redlich sent a letter to HSF Kramer which, among other matters, responded to the letter from HSF Kramer dated 27 July 2026 and attached the Applicant's proposed draft orders. At pages 52 to 59 of annexure **JLJ-1** is a copy of this letter and its enclosure.
21. On 3 August 2026, Holding Redlich received a letter from HSF Kramer responding to the letter from Holding Redlich dated 30 July 2026, and reiterated the Respondents' position set out in their letter dated 27 July 2026. At pages 60 to 63 of annexure **JLJ-1** is a copy of this letter.
22. On 5 August 2026 at 10.10am, Holding Redlich received two letters from HSF Kramer:
- (a) a letter requesting certain information in respect of the use of aqueous film forming foam (AFFF) by the Commonwealth the Bases, other than 3M AFFF which requests a response by 25 August 2026; and
 - (b) A request for further and better particulars of the Statement of Claim, copies of which are at pages 64 to 72 and 73 to 74 of **JLJ-1**.
23. At the time of affirming this affidavit, I have not had the opportunity to consider either request in detail.

Affirmed by the deponent
at Brisbane
in Queensland
on 5 August 2026
Before me:

)
)
)
)
)



Signature of deponent



Signature of witness
Caitlin Jane Waldron
Solicitor

Annexure Certificate

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 annexure marked “**JLJ-1**” referred to in the affidavit of **JOANNE LISBETH JARY** affirmed on 5 August 2026.



.....
Joanne Lisbeth Jary
Deponent



.....
Caitlin Jane Waldron
Witness



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”.

28 May 2026

Eleni Sideridis
Managing Director and General Counsel (3M ANZ)
3M Australia Pty Ltd
'Building A', 1 Ribett 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) & 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 Victoria 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 Australia to accept service of these proceedings so we may agree with them a process for such discussions, should 3M Australia 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

groundwater, 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 Australia 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 Australia is authorised to accept service on behalf of 3M Australia 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 *Corporations Act 2001* (Cth).

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 Australia 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: Kevin Rhodes
Executive Vice President, Chief Legal Affairs Officer and Secretary
3M Company
By email to: krhodes@mmm.com

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

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”.

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

28/5/26
.....
Date


.....
Name

2 June 2026

Registrar Hammerton Cole
Federal Court of Australia
New South Wales District Registry
Level 17, Law Courts Building
184 Phillip Street
Queens Square
SYDNEY NSW 2000

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

By Courier

Dear Registrar Hammerton Cole

**The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd - Federal Court
Proceeding no. VID552/2026 – Application for service abroad of judicial documents**

1. We refer to our recent correspondence with Ms Ruby Ko in respect of the above matter.
2. In accordance with Rule 10.64 of the *Federal Court Rules 2011* (Cth) (the **Rules**), we **enclose** the following for your consideration:
 - (a) Form 25 Request for service abroad of judicial documents in triplicate;
 - (b) Form 26 Summary of the documents to be served in triplicate;
 - (c) Form 26A Notice to persons served outside Australia in triplicate;
 - (d) Originating Application, filed 28 May 2026 in duplicate;
 - (e) Statement of Claim, filed 28 May 2026 in duplicate;
 - (f) Genuine Steps Statement, filed 28 May in duplicate; and
 - (g) Service letter to 3M Company, with enclosure, in duplicate.
3. We understand the relevant Forms 25, 26 and 26A have been brought to your attention and approved by you. In these circumstances, we respectfully request the documents be signed and sealed (as appropriate) and dispatched in accordance with Rule 10.65 of the Rules.
4. Additionally, we confirm that in accordance with Rule 10.64(3) of the Rules, a written undertaking signed by Joanne Jary, solicitor on record for the Applicant, has separately been provided to the Court by email.
5. We trust we have satisfied all requirements under the Rules in order to effect service of the relevant documents. Should any issues arise, please do not hesitate to contact Joanne Jary and Howard Rapke.

6. We otherwise look forward to confirmation that the documents have been dispatched. Please let us know if we may be of any assistance in the meantime.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Holding Redlich', written in a cursive style.

Holding Redlich

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

Emilia Stewart

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
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joanne.jary@holdingredlich.com www.holdingredlich.com
Brisbane . Melbourne . Canberra . Sydney . Cairns

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

Emilia Stewart

From: Eleni Sideridis <esideridis@mmm.com>
Sent: Friday, 19 June 2026 2:20 PM
To: Joanne Jary
Cc: Howard Rapke; Caitlin Waldron
Subject: RE: The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd [HR-MEL.FID1244510]

Dear Ms Jary,

I refer to our previous correspondence. By way of update, we expect to provide a more substantive response to your letter next week.

Regards
Eleni



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, 4 June 2026 5:06 PM
To: Eleni Sideridis <esideridis@mmm.com>
Cc: Howard Rapke <Howard.Rapke@holdingredlich.com>; Caitlin Waldron <caitlin.waldron@holdingredlich.com>
Subject: [EXTERNAL] The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd [HR-MEL.FID1244510]

Dear Ms Sideridis

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

Regards

Joanne Jary | Partner



Level 1, 300 Queen Street, Brisbane 4000 Australia
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joanne.jary@holdingredlich.com www.holdingredlich.com
Brisbane . Melbourne . Canberra . Sydney . Cairns

From: Eleni Sideridis <esideridis@mmm.com>
Sent: Wednesday, 3 June 2026 1:53 PM
To: Joanne Jary <Joanne.Jary@holdingredlich.com>; Howard Rapke <Howard.Rapke@holdingredlich.com>
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

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joanne.jary@holdingredlich.com www.holdingredlich.com

Brisbane . Melbourne . Canberra . Sydney . Cairns



HERBERT SMITH
FREEHILLS
KRAMER

Howard Rapke
Holding Redlich
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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

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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
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KRAMER

Howard Rapke
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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

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aoife.xuereb@hsfkramer.com

Peter Briggs
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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
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aoife.xuereb@hsfkramer.com

Peter Briggs
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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).

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



PFAS management sites

Below are the Defence sites where per- and poly-fluoroalkyl substances (PFAS) contamination is being investigated and managed.

Australian Capital Territory

[Jervis Bay Range Facility](#)

New South Wales

[Blamey Barracks \(Kapooka Military Area\)](#)

[HMAS Albatross](#)

[Holsworthy Barracks](#)

[RAAF Base Richmond](#)

[RAAF Base Wagga](#)

[RAAF Base Williamtown](#)

[Singleton Military Area](#)

Northern Territory

[RAAF Base Darwin](#)

[RAAF Base Tindal](#)

[Robertson Barracks](#)

Queensland

[HMAS Cairns](#)

[Lavarack Barracks](#)

[RAAF Base Amberley](#)

[RAAF Base Townsville](#)

[Swartz Barracks \(formerly Army Aviation Centre Oakey\)](#)

[Wide Bay Training Area](#)

South Australia

[RAAF Base Edinburgh](#)

Western Australia

[Gingin Satellite Airfield](#)

[HMAS Stirling \(Garden Island\)](#)

[Naval Communication Station Harold E Holt A and B](#)

[RAAF Base Learmonth](#)

[RAAF Base Pearce \(Bullsbrook\)](#)

Victoria

[RAAF Base East Sale](#)

[HMAS Cerberus](#)

[Bandiana Military Area](#)

[RAAF Base Williams - Laverton and RAAF Base Point Cook](#)

PFAS investigation and management program

[Defence approach](#)

- [PFAS management sites](#)

[Legal claims](#)

[Research and innovation](#)

[Support contacts](#)

[Site investigations](#)

[PFAS national coordination](#)

Contacts

1800 333 362

pfas.enquiry@defence.gov.au

Translating and interpreting service

131 450

[!\[\]\(284d644ea76e79d66bb99cf994686b0c_img.jpg\)](#) [!\[\]\(c650dc7bd54cf136803340bb57a4da14_img.jpg\)](#) [!\[\]\(1b89411dffbc2e5870654da1101b6df0_img.jpg\)](#) [!\[\]\(4694a5dda491664a690745dcdb71bf08_img.jpg\)](#)
Defence Social Media

Defence acknowledges the Traditional Custodians of Country throughout Australia

[Accessing information](#)

[Contact us](#)

[Copyright](#)

[This site](#)

To defend Australia and its national interests in order to advance Australia's security and prosperity



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

Emilia Stewart

From: Muir, Katherine <katherine.muir@hsfkramer.com>
Sent: Tuesday, 21 July 2026 8:48 PM
To: Joanne Jary; Howard Rapke; Caitlin Waldron; Kylie Hall
Cc: Xuereb, Aoife; Briggs, Peter; Berenholtz, Laura; Garvey, Jessica; Keir, Elsher
Subject: RE: The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd - VID552 of 2026 [HR-MEL.FID1244510]

Dear Colleagues

We refer to your letter dated 17 July 2026. We are considering the matters raised in the letter and will provide a response by Friday, 24 July 2026.

Regards

Kat

Katherine Muir
Senior Associate
Herbert Smith Freehills Kramer

T +61 3 9288 1254 E katherine.muir@hsfkramer.com
www.hsfkramer.com

From: Joanne Jary <Joanne.Jary@holdingredlich.com>
Sent: Friday, July 17, 2026 1:25 pm
To: Briggs, Peter <peter.briggs@hsf.com>; Xuereb, Aoife <aoife.xuereb@hsf.com>; Berenholtz, Laura <laura.berenholtz@hsf.com>; Garvey, Jessica <jessica.garvey@hsf.com>; Keir, Elsher <elsher.keir@hsf.com>
Cc: Howard Rapke <Howard.Rapke@holdingredlich.com>; Caitlin Waldron <caitlin.waldron@holdingredlich.com>; Kylie Hall <Kylie.Hall@holdingredlich.com>
Subject: The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd - VID552 of 2026 [HR-MEL.FID1244510]

Dear Colleagues

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

Regards

Joanne Jary | Partner



Level 1, 300 Queen Street, Brisbane 4000 Australia
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joanne.jary@holdingredlich.com www.holdingredlich.com
Brisbane . Melbourne . Canberra . Sydney . Cairns

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Emilia Stewart

From: Muir, Katherine <katherine.muir@hsfkramer.com>
Sent: Friday, 24 July 2026 3:53 PM
To: Joanne Jary; Howard Rapke; Caitlin Waldron; Kylie Hall
Cc: Xuereb, Aoife; Briggs, Peter; Berenholtz, Laura; Garvey, Jessica; Keir, Elsher
Subject: RE: The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd - VID552 of 2026 [HR-MEL.FID1244510]

Dear Colleagues

Further to my email below, we are finalising instructions on a substantive response to your letter of 17 June 2026 which is complicated by time zones.

With apologies for the slight delay, we will provide our response as soon as possible early next week.

Regards

Kat

Katherine Muir
Senior Associate
Herbert Smith Freehills Kramer
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www.hsfkramer.com

From: Muir, Katherine
Sent: Tuesday, 21 July 2026 8:48 PM
To: Joanne.Jary@holdingredlich.com; Howard.Rapke@holdingredlich.com; caitlin.waldron@holdingredlich.com; Kylie.Hall@holdingredlich.com
Cc: Xuereb, Aoife <Aoife.Xuereb@hsf.com>; Briggs, Peter <Peter.Briggs@hsf.com>; Berenholtz, Laura <Laura.Berenholtz@hsf.com>; Garvey, Jessica <Jessica.Garvey@hsf.com>; Keir, Elsher <Elsher.Keir@hsf.com>
Subject: RE: The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd - VID552 of 2026 [HR-MEL.FID1244510]

Dear Colleagues

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Regards

Kat

Katherine Muir
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From: Joanne Jary <Joanne.Jary@holdingredlich.com>
Sent: Friday, July 17, 2026 1:25 pm

To: Briggs, Peter <peter.briggs@hsf.com>; Xuereb, Aoife <aoife.xuereb@hsf.com>; Berenholtz, Laura <laura.berenholtz@hsf.com>; Garvey, Jessica <jessica.garvey@hsf.com>; Keir, Elsher <elsher.keir@hsf.com>

Cc: Howard Rapke <Howard.Rapke@holdingredlich.com>; Caitlin Waldron <caitlin.waldron@holdingredlich.com>; Kylie Hall <Kylie.Hall@holdingredlich.com>

Subject: The Commonwealth of Australia v 3M Company & 3M Australia Pty Ltd - VID552 of 2026 [HR-MEL.FID1244510]

Dear Colleagues

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

Regards

Joanne Jary | Partner



Level 1, 300 Queen Street, Brisbane 4000 Australia

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Brisbane . Melbourne . Canberra . Sydney . Cairns

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

Howard Rapke
Holding Redlich
+61 3 9321 9752
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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
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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.

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		

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:

(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

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:
 - (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.

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 Level 23, 500 Bourke Street, MELBOURNE VIC 3000
(include state and postcode)

Case Management Hearing

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

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
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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

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Mr Howard Rapke
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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

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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

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