

Chapter 1

Introduction

Referral of inquiry and terms of reference

1.1 On 30 November 2015, the Senate referred matters relating to perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA) contamination at RAAF Base Williamtown and other sites to the Foreign Affairs, Defence and Trade References Committee for inquiry and report.¹

1.2 The terms of reference for the inquiry are as follows:

- (a) by 4 February 2016 on PFOS and PFOA contamination at RAAF Base Williamtown and Australian Defence Force facilities, with reference to:
 - (i) what contamination has occurred to the water, soil and any other natural or human made structures in the RAAF Base Williamtown and the surrounding environs,
 - (ii) the response of, and coordination between, the Commonwealth Government, including the Department of Defence and RAAF Base Williamtown management, and New South Wales authorities to PFOS/PFOA contamination, including when base employees, local residents and businesses, Port Stephens and Newcastle City Councils, and the New South Wales Environmental Protection Agency (EPA) were informed of the contamination,
 - (iii) the adequacy of consultation and coordination between the Commonwealth Government, the New South Wales Government, Port Stephens and Newcastle City Council, the Department of Defence and Australian Defence Force, affected local communities and businesses, and other interested stakeholders,
 - (iv) whether appropriate measures have been taken to ensure the health, wellbeing and safety of Australian military and civilian personnel at RAAF Base Williamtown,
 - (v) the adequacy of health advice and testing of defence and civilian personnel and members of the public exposed, or potentially exposed, to PFOS/PFOA in and around RAAF Base Williamtown,
 - (vi) the adequacy of Commonwealth and state and territory government environmental and human health standards and legislation, with specific reference to PFOS/PFOA contamination at RAAF Base Williamtown,

1 *Journals of the Senate*, 30 November 2015, pp. 3518-3519.

- (vii) what progress has been made on remediation works at RAAF Base Williamstown, and the adequacy of measures to control further contamination,
 - (viii) what consideration has been undertaken of financial impacts and assistance to affected business and individuals, and
 - (ix) any other related matters; and
- (b) by 30 April 2016 on PFOS and PFOA contamination on other Commonwealth, state and territory sites in Australia where firefighting foams containing PFOS and PFOA were used, with reference to:
- (i) what Commonwealth, state and territory facilities have been identified as having PFOS/PFOA contamination, and what facilities may potentially still be identified as being contaminated,
 - (ii) the response of, and coordination between, the Commonwealth, state and territory governments, local governments, commercial entities and affected local communities,
 - (iii) what measures have been taken by the Commonwealth and state and territory governments, to ensure the health, wellbeing and safety of people in close proximity to known affected sites,
 - (iv) the adequacy of public disclosure of information about PFOS/PFOA contamination,
 - (v) what consideration has been undertaken of financial impacts on affected businesses and individuals,
 - (vi) the adequacy of Commonwealth and state and territory government environmental and human health standards and legislation, with specific reference to PFOS/PFOA contamination,
 - (vii) what progress has been made on the remediation and the adequacy of measures to control further PFOS/PFOA contamination at affected Commonwealth, state and territory sites,
 - (viii) what investigation and assessment of contaminated sites and surrounding areas has occurred, and
 - (ix) any other related matters.

Conduct of the inquiry

1.3 The committee advertised the inquiry on its website calling for submissions to be lodged by 14 December 2015 for part (a) of the inquiry and 5 February 2016 for part (b) of the inquiry. The committee also wrote directly to a range of people and organisations likely to have an interest in matters covered by the terms of reference, drawing their attention to the inquiry and inviting them to make written submissions.

1.4 The committee received 124 submissions for Part (a) and Part (b) of this inquiry. All submissions are listed at Appendix 1 and are available from the committee's website: www.aph.gov.au/senate/fadt. The bulk of the submissions

received were from individuals and businesses affected by PFOS/PFOA contamination around RAAF Base Williamtown and Army Aviation Centre Oakey (AACO). Additional information and the responses to questions on notice received during the inquiry are listed at Appendix 2.

1.5 On 3 December 2015, the committee held an initial public hearing for the inquiry at Parliament House in Canberra. Further hearings were held on 22 December 2015 at the Newcastle City Hall in Newcastle, 9 March 2016 at the Oakey Cultural Centre in Oakey, and 7 April at Parliament House in Canberra. A list of witnesses who appeared at these hearings is available at Appendix 3. The *Hansard* transcripts of these public hearings are available via the committee's website.

Part A: RAAF Base Williamtown

1.6 The inquiry's terms of reference Part (a) focused on the circumstances at RAAF Base Williamtown. The committee's report, *Firefighting foam contamination Part A—RAAF Base Williamtown*, was tabled on 4 February 2016. The committee found that the immediate impact of the contamination on residents and businesses, including the shadow of uncertainty regarding the spread of pollutants, was nothing short of a crisis for the community. It found a lack of Commonwealth Government leadership, a reluctance to take full responsibility and an inadequate response given the urgency of the situation. The committee also found an unsatisfactory level of engagement by other Commonwealth Government agencies.

1.7 The committee made a number of recommendations to Defence and the Commonwealth Government more broadly which fall into three categories. The first category of recommendations focused on access to water issues, the provision of mental health and counselling services, initial compensation of the fishing community and the coordination of the response of government agencies. The second category of recommendations focused on providing certainty for affected residents and commercial fisherman in the longer term. Finally, the committee made some recommendations in relation to blood testing and the application of environment regulation to Defence. The committee's recommendations are listed in Appendix 4. An update on the situation in Williamtown based on new evidence is provided in Chapter 2 of this report.

Part B: other Commonwealth, state and territory sites

1.8 The committee's first report on RAAF Williamtown noted that the situation at AACO was raised with the committee and that many residents in Oakey had been living with the uncertainty created by possible PFOS/PFOA contamination for a significant period. The report also noted that there are likely to be many other military and civilian airports, firefighting training sites and other facilities which will have legacy PFOS/PFOA contamination as a result of the use of firefighting foams. This second report into firefighting foam contamination focuses on both of these issues.

Structure of the report

1.9 The committee's second report, on Part (b) of the terms of reference, is structured as follows:

- Chapter 2 examines circumstances surrounding contamination at AACO from use of firefighting foams; the impact on the community; Defence's response to the unfolding crisis and its engagement with the community and the Toowoomba Regional Council; and an update on the situation in Williamtown including the government response to report Part (a).
- Chapter 3 provides a brief update on the evidence around the environmental and human health effects of PFOS and PFOA and the issue of blood testing; an overview of other Commonwealth, state and territory sites which have experienced contamination; the different responses by Defence, state government authorities and Air Services Australia to legacy contamination; and the regulatory frameworks in place to address this issue.
- Chapter 4 provides the committee's conclusion to both Part (a) and Part (b) of the inquiry, including a recommendation which provides for an ongoing oversight role for the committee in relation to the issue of legacy contamination by firefighting foams.

Acknowledgements

1.10 The committee thanks all of those who contributed to the inquiry by making submissions, providing additional information or appearing at the public hearings to give evidence.

Note on references

1.11 References to the committee *Hansard* are to the proof *Hansard*. Page numbers may vary between the proof and official *Hansard* transcripts.