



FEDERAL COURT OF AUSTRALIA

NOTICE AS TO PROPOSED SETTLEMENT OF THE OAKLEY PFAS CONTAMINATION CLASS ACTION

A. Important Information

1. This is being sent to you because you are a class member in the class action against the Commonwealth of Australia (**Commonwealth**) claiming compensation for damages to property and business values as a result of PFAS contamination around Oakey.
2. The solicitors acting for the applicants are **Shine Lawyers**, and a company called Omni Bridgeway Ltd (which used to be called IMF Bentham) (**Omni Bridgeway**) has funded the case.
3. As you may have heard or read, settlement terms have been agreed. But because this is a class action, a judge of the Federal Court must decide whether it is a fair settlement for the class members. The judge will have a hearing to decide whether the settlement is fair at 10:15 4-5 June 2020.
4. This notice is approved by the Court and explains some things about the settlement to allow you to work out whether you agree or disagree with it.

B. What is the settlement?

5. Under the proposed settlement:
 - (a) the Commonwealth will pay **\$34 million** (without admitting liability) to settle all claims by class members for property value losses, business losses and for inconvenience and distress (but not any present or future claim for personal injury);
 - (b) before any of this money goes to the class members, there will be deductions from the settlement, being:
 - (i) \$8,450,000 for the legal costs (which is less than the total legal costs said to have been incurred, but some of the total costs (i.e. amounts above \$8,450,000) are proposed to be paid by class members in the Katherine PFAS Class Action);
 - (ii) \$8,500,000 to Omni Bridgeway for funding (which is less than the funding commission agreed to be paid by class members, with some of Omni Bridgeway's fee (i.e. amounts above \$8,500,000) proposed to be paid by class members in the Katherine PFAS Class Action);
 - (iii) [\$158,400] to Omni Bridgeway for other relevant out-of-pocket expenses (but some of this is proposed to be paid by class members in the Katherine PFAS class action);
 - (iv) \$40,000 to the applicants for their time and expense in representing class members; and
 - (v) [\$450,000] being the estimated costs of getting what is owed to class members to them, but any interest earned on the settlement sum will be used to reduce these costs;
 - (c) What is left (which is estimated by the solicitors to be about **\$16.4 million**) is to be paid to class members, according to a formula.



C. How much will you receive under the settlement?

6. If the settlement goes ahead, your approximate settlement entitlement will be:

Class Member Name	Approximate Entitlement (Landowner)
[TBC]	
[TBC]	
	Approximate Entitlement (Business)
[TBC]	

7. This has been worked out based on what is said by the applicants and their solicitors to be the reduction in the value of the land of class members. This value was affected by what category of property you had. Properties with water bores are said to have reduced more, because the PFAS contamination particularly affects the groundwater. Based on information provided by you, you have been put in the following category:

Category	Your Property
Equine	[insert address(es) as applicable]
Rural (with Water Bore)	[insert address(es) as applicable]
Rural Residential (with Water Bore)	[insert address(es) as applicable]
Commercial Industrial (with Water Bore)	[insert address(es) as applicable]
Rural (without Water Bore)	[insert address(es) as applicable]
Rural Residential (without Water Bore)	[insert address(es) as applicable]
Residential (without Water Bore)	[insert address(es) as applicable]
Commercial or Industrial (without Water Bore)	[insert address(es) as applicable]

8. An amount of money has also been fixed for inconvenience and distress (again depending on whether you have a water bore, but also depending on whether you live in the property or not). Based on information provided by you, you have been put in the following category:

Category	You
Natural Person (Owner-Occupier) – Property with Bore	[insert name(s) as appropriate]
Natural Person (Owner-Occupier) – Property without Bore	[insert name(s) as appropriate]
Natural Person (Non-Owner Occupier)	[insert name(s) as appropriate]
Non-Natural Person	[insert name(s) as appropriate]

9. The only other type of claims, being business claims, are being paid on a per business basis, depending upon business size, and any overlap with the relevant class member's other claims.

10. Please note:

- Class members will not receive the full value of their claims under the settlement (as it is a compromise, and has to take into account the risk the class action might lose);
- Please remember that what is set out above is the best estimate that can be



given at the moment. The money you receive at the end of the day if the settlement goes ahead may vary (up or down) - but probably not significantly;

- If you are unsure you are a class member or disagree with how your property has been categorised, please contact Shine Lawyers using the details at the end of this notice;
- As to legal costs, the court has put in place a process by which the fairness of those legal costs will be reviewed by a third party who understands these things.

D. Your 2 Options:

<i>If you <u>support</u> the proposed settlement</i>	<ul style="list-style-type: none">• You do not have to do anything, and you will get the money payable to you once it has been finally calculated.
<i>If you <u>disagree</u> with the proposed settlement (or how it is proposed to be distributed)</i>	<ul style="list-style-type: none">• You should tell the Judge and the parties why.• This is best done by sending written material for the Court to consider well before the hearing. This should be done by sending the material to nswdr@fedcourt.gov.au, and the court would prefer if this was sent by [7 May 2020]. You can also tell the Court your concerns at the hearing. Arrangements will be made to allow you do this if you want. Due to the coronavirus, a hearing will probably not happen in a courtroom where people come along in person, and if you want to speak, this will likely involve providing you with a video link or telephone link. If you want to speak to the Judge about the settlement at the hearing this can be arranged by you sending an email to nswdr@fedcourt.gov.au. <p>Please note, even if you object, you will still receive money from the settlement if it goes ahead.</p>

E. Where can you get further information?

11. If you want any more information of documents, you should not contact the Court but either:

- a) download documents from <https://www.shine.com.au/service/class-actions/pfas-contamination-class-actions/oakey-contamination>; or
- b) email Shine Lawyers at OakeyContamination@shine.com.au, or telephone Shine Lawyers on 1800 066 105 and ask to speak to Alexandra Marlborough.
- c) email Omni Bridgeway at 403093@imf.com.au; or telephone Omni Bridgeway on 1800 016 464.

Please consider the above matters carefully. If there is anything of which you are unsure, you should contact Shine Lawyers, Omni Bridgeway or seek your own legal advice from your family solicitor. Please bear in mind that while you should contact Shine Lawyers for further information as necessary, if you do not require further assistance, it is in the interests of all class members to keep any further costs to a minimum.