

New toxic foam class action launched on behalf of 40,000 landowners



[Class Actions](#) | April 16, 2020 3:01 am | By [Christine Caulfield](#) | Melbourne

Fresh off the back of a \$212.5 million settlement in three class actions over the Defence Department's use of fire-fighting foam, Shine Lawyers has launched another class action over the toxic chemical on behalf of 40,000 residents across Australia.

Filing the group proceeding in Federal Court on Wednesday, Shine represents property owners living in Richmond and Wagga Wagga, NSW; Wodonga, Victoria; Townsville, Queensland; Edinburgh, SA; Bullsbrook, WA and Darwin, NT. The firm says residents were exposed to per- and poly-fluoroalkyl substances, known as PFAS, that were used on military bases and seeped into the land and water and food supplies.

The class action, funded by Litigation Finance Company, calls for compensation for residents who allegedly saw their property values plummet from PFAS contamination.

“Today’s action has been launched for tens of thousands of victims exposed to PFAS as a result of the Government’s negligence,” said Shine special counsel Joshua Aylward.

Aylward said research by Shine, backed up by an independent study, had revealed that PFAS chemicals amass and remain in the environment, and the PFAS levels in the class members’ towns were serious.

“In some instances, property owners have seen the value of their land decrease by more than 50 per cent,” he said.

“We’re fighting to adequately compensate these property owners so they are not stuck living on contaminated land.

“Every aspect of residents’ lives is impacted by this contamination. These toxins are permeating the environment around them, with high levels found in rivers and creeks, livestock, crops, drinking water, and in people’s blood. Property prices are plummeting as a result of this contamination.”

The firm noted that exposure to the toxic chemicals had also been linked to birth defects, some cancers, liver changes, raised cholesterol levels and heart disease. The action is not seeking compensation for any health issues.

“For Shine Lawyers and the people affected by PFAS, this action is about continuing to hold the Government accountable for failing residents and putting their lives at risk,” said Aylward.

“We will vigorously prosecute this case to protect property owners and to ensure that they cannot be further harmed by this dangerous and toxic chemical.”

Shine had planned to file the new class action by the end of December last year, but the filing was [delayed as the firm turned to bookbuilding](#) following the High Court’s landmark ruling striking down common fund orders.

Shine led two of the three settled class actions that were brought on behalf of property owners living near military bases in Katherine in the Northern Territory, Williamtown in New South Wales and Oakey in Queensland. Law firms Dentons was behind one of the cases.

Under the landmark settlement reached in the cases in February, the government will pay \$92.5 million to resolve the Katherine proceeding, \$86 million to settle the Williamtown matter, and \$34 million to settle the Oakey case.

IMF Bentham, which fund al three proceedings, said it expected to generate \$75 million in income from the cases, including reimbursement of its costs.

A settlement approval hearing in those class actions is scheduled for June.