

BHP Class Action Frequently Asked Questions and Responses

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General

1. What is this class action about?

The BHP Class Action is brought by the Joint Applicants, Vince Impiombato and Klemweb Nominees Pty Ltd (as trustee for the Klemweb Superannuation Fund), on their own behalf and on behalf of all persons who are “Group Members”.

The Joint Applicants allege that between 8 August 2012 and 9 November 2015 (inclusive) (**Claim Period**) BHP Ltd:

- (a) contravened its continuous disclosure obligations by failing to properly inform the ASX of BHP’s knowledge of the Fundão dam (located in the Germano mine in Minas Gerais, Brazil, operated by Samarco Mineração SA, a non-operated joint venture between BHP Billiton Brasil Ltda and Vale SA in Brazil) being at risk of failure, and knowledge that if the dam failed, serious adverse human, environmental, and financial consequences would likely result;
- (b) engaged in misleading or deceptive conduct by representing to the ASX (by publishing in its annual reports between FY11 – FY15) that:
 - (i) the primary consideration in every aspect of BHP’s business was the safety of its people and the safety and sustainability of the environment and the communities in which it, and its subsidiaries, carried on business; and
 - (ii) BHP had effective systems and processes in place to identify and effectively manage risks to the safety of its people and the safety and sustainability of the environment and the communities in which it, and its subsidiaries, carried on business, including the Samarco mining operation.

The BHP Class Action alleges that investors who acquired BHP Ltd or BHP Plc shares in the Claim Period are entitled to compensation for loss and damage caused by or resulting from the conduct of BHP Ltd as pleaded in the Third Further Amended Consolidated Statement of Claim dated 25 March 2025.

The allegations are denied by BHP Ltd.

Full details of the allegations made by the Joint Applicants and of BHP Ltd’s defence against those allegations are set out in the Third Further Amended Consolidated Statement of Claim and the Defence to the Third Further Amended Consolidated Statement of Claim, which can be obtained by downloading them from the webpage <https://www.bhpclassaction.com>.

2. What is the Approved Settlement of the BHP Class Action?

On 5 December 2025, the Federal Court of Australia approved the settlement of the BHP Class Action for the sum of AUD\$110 million (**Settlement Sum**). The settlement is without admission of liability by BHP Group Limited. In approving the settlement,

the Court determined that the settlement is fair and reasonable and in the interests of all group members.

The Court also appointed Phi Finney McDonald and Maurice Blackburn as Scheme Administrator to administer the settlement in accordance with the court approved settlement distribution scheme.

3. Am I a Group Member in the BHP Class Action?

You are a Group Member in the BHP Class Action if:

- (a) during the period from 8 August 2012 to the close of trade on 9 November 2015 inclusive, you entered into a contract (whether by yourself or by an agent or trustee) to acquire an interest in fully paid up ordinary shares in BHP Group Ltd, formerly BHP Billiton Limited (**BHP Ltd**); and/or BHP Group Plc, formerly BHP Billiton Plc (**BHP Plc**);
- (b) you are alleged to have suffered loss or damage by or resulting from the conduct of BHP Ltd as pleaded in the Third Further Amended Consolidated Statement of Claim dated 25 March 2025; and
- (c) you are not:
 - (i) a related party, related body corporate, associated entity, director or officer or close associate of BHP Ltd; or
 - (ii) a Justice, Registrar, District Registrar, or Deputy District Registrar of the High Court of Australia or the Federal Court of Australia; and
- (d) you have not opted out of the proceeding by providing an opt out notice to the Victorian District Registry of the Federal Court of Australia before 31 May 2024.

4. Am I a Registered Group Member in the BHP Class Action?

You are a Registered Group Member if:

- (a) you entered into a litigation funding agreement with G&E KTMC before 4.00pm (AEDT) on 31 May 2024;
- (b) you entered into a retainer and costs agreement with Maurice Blackburn before 4.00pm (AEDT) on 31 May 2024;
- (c) you submitted your claim registration before 4.00pm (AEDT) on 31 May 2024 through the online portal accessible through the webpage <https://www.bhpclassaction.com>; or
- (d) your claim registration was submitted after 4.00pm (AEDT) on 31 May 2024, but by orders of the Court dated 11 July 2025, 31 October 2025 and 5 December 2025 you have been deemed to be a Registered Group Member.

On 5 December 2025, the Federal Court of Australia approved the settlement of the BHP Class Action and ordered that only Registered Group Members are permitted to seek any benefit under the settlement.

The Scheme Administrator does not have a discretion to allow any further registrations in the BHP Class Action.

If you are a Registered Group Member, Phi Finney McDonald or Maurice Blackburn will be in touch regarding next steps in due course. If you have not received your Final Assessment Notice, please contact the Administrator immediately at enquiries@bhpclassaction.com. Please refer to question 14 below for further information.

5. How do I confirm my status as a Registered Group Member?

Registered Group Members have been sent a Court-approved Notice of Estimated Distribution from Phi Finney McDonald and Maurice Blackburn. If you received the Notice of Estimated Distribution from us, you are already a Registered Group Member and do not need to take any further action to participate in the settlement.

If you believe you are a Registered Group Member but have not received your Notice of Estimated Distribution, please email enquiries@bhpclassaction.com and include the claimant's name and reference number in the subject line of your email. We will respond to your enquiry as soon as practicable.

6. Can I still register or request to participate in the settlement of the BHP Class Action if I have not done so already?

No. Only Group Members who registered by the Class Deadline of 4:00 pm (AEDT) on 31 May 2024, or who were otherwise deemed to be Registered Group Members by order of the court are eligible to share in the settlement. The Scheme Administrator does not have a discretion to allow any further registrations in the BHP Class Action.

A copy of the Court's settlement approval orders limiting participation in the settlement to Registered Group Members only can be downloaded from the webpage <https://www.bhpclassaction.com>.

Settlement Approval

7. What deductions from the Settlement Sum were approved by the Court?

The Court approved the following deductions from the AUD\$110m Settlement Sum:

- (a) \$40,000.00 (incl. GST) as reimbursement payments to the Applicants, allocated as follows:
 - (i) \$20,000.00 to the First Applicant; and
 - (ii) \$20,000.00 to the Second Applicant.
- (b) \$23,310,736.65 (incl. GST) for the Applicants' legal costs and disbursements incurred in running the class action from May 2018 to December 2025.
- (c) \$31,689,263.35 (incl. GST) to the Funder for costs and expenses incurred in funding the proceeding and for a funding commission.

The Court also approved \$623,770.00 (incl. GST) for the Scheme Administrator to administer the settlement in accordance with the Settlement Distribution Scheme. These costs will be deducted from the interest accruing on the Settlement Sum. Any residual accrued interest not used for payment of the settlement administration costs will form part of the Settlement Sum to be distributed to eligible Registered Group Members if determined appropriate to do so by the Scheme Administrator.

You will not be asked to pay any out-of-pocket costs in respect of this class action. As outlined in question 8 below, the approved deductions will be taken from the Settlement Sum before the remaining balance is distributed to Registered Group Members.

8. Do I have to pay any costs?

The Court ordered that the reasonable legal costs of conducting the class action be deducted from the Settlement Sum, before calculating each Registered Group Members' entitlement.

The Court also ordered that the reasonable costs of administering the settlement be deducted from the interest accruing on the Settlement Sum. Any residual accrued interest not used for payment of the settlement administration costs will form part of the Settlement Sum to be distributed to eligible Registered Group Members if determined appropriate to do so by the Scheme Administrator.

Under no circumstances will you, by participating in the BHP Class Action, be liable to pay any 'out-of-pocket' costs, whether to Maurice Blackburn, Phi Finney McDonald, G&E KTMC Funding LLC or otherwise.

9. What were the key terms of the settlement?

The key terms of the settlement are:

- (a) BHP Ltd will pay a sum of AUD\$110 million, inclusive of all legal costs and disbursements, funding commissions, fees, taxes expenses, charges and interest and the costs of distributing the Settlement Sum in accordance with a Settlement Distribution Scheme, in full and final settlement of all of the Joint Applicants' and Group Members' claims made against BHP Ltd in the BHP Class Action. The settlement is without any admission of liability by BHP Ltd.
- (b) All Group Members will be bound by the terms of the settlement. The payment of the Settlement Sum is in exchange for releases in favour of BHP Ltd. This will prevent Group Members from taking any other legal action against BHP Ltd that raises common claims between the Joint Applicants and Group Members which relate to matters or issues the subject of the BHP Class Action and which the Joint Applicants make, made or were capable of making on behalf of Group Members, regardless of whether or not you are a Registered Group Member and whether or not you receive any benefit from the settlement.

10. Who was appointed as the Scheme Administrator?

The Court appointed Phi Finney McDonald and Maurice Blackburn as the Scheme Administrator, responsible for administering the settlement in accordance with the Settlement Distribution Scheme.

Settlement Administration

11. What are my obligations during the settlement administration?

Each Registered Group Member is required to cooperate with the Scheme Administrator and take any steps required under the Settlement Distribution Scheme and/or reasonably requested or directed by the Scheme Administrator. This may include:

- (a) providing instructions, information, documents and other materials;
- (b) providing authorities or permissions or executing documents;
- (c) attending and participating in meetings or telephone conference with the Scheme Administrator or any other person;
- (d) promptly informing the Scheme Administrator of any change in their contact details; and
- (e) providing financial information and such personal identification information as is requested by the Scheme Administrator in order to conduct the Sanctions Scans prescribed in the Settlement Distribution Scheme.

12. What if I do not respond to a communication request or activity within the timeframe or deadlines provided?

If a Registered Group Member (or their authorised contact) fails to comply with the obligations set out in question 11 above and/or does not respond to a communication request, notice, or activity within the specified timeframe or due date, they may be classified as a “Non-Responsive Group Member”, and their claim may be assessed at \$0.00 by the Scheme Administrator.

13. What is the Settlement Distribution Scheme (SDS), and how do I access it?

The purpose of the Court-approved Settlement Distribution Scheme (**SDS**) is:

- (a) to govern the distribution of the Settlement Sum, and any interest that accrues on that amount before distribution, including between the Registered Group Members; and
- (b) to determine how the monetary compensation payable to each Registered Group Member is calculated (using a confidential “Distribution Formula”).

The SDS was approved by the Court on 5 December 2025.

If you wish to gain access to the Settlement Distribution Scheme, please contact the Joint Applicants’ lawyers by email to enquiries@bhpclassaction.com.

You will be required to complete and return a confidentiality agreement prior to Settlement Distribution Scheme being shared with you as it contains the confidential Distribution Formula.

14. How much money will I receive from the settlement?

Registered Group Members have been sent a Court-approved Notice of Estimated Distribution. This Estimated Distribution amount is an indicative assessment only.

Registered Group Members have now been issued a Final Assessment Notice outlining their compensation entitlement (exclusive of their pro rata entitlement to accrued interest) together with an invitation to a secure portal which outlines the steps Registered Group Members are now required to take in order to receive that compensation. The compensation set out in the Final Assessment Notice has been calculated by reference to the confidential Distribution Formula that has been approved by the court.

If you are a Registered Group Member and have not received a Final Assessment Notice or portal invitation, please contact the Administrator immediately at enquiries@bhpclassaction.com.

The Scheme Administrator has requested Registered Group Members provide the requested financial information via the secure portal by no later than **4:00 pm (AEST) on 8 May 2026**. If you do not provide the requested information by this deadline, your entitlement to receive a distribution may be forfeited in accordance with the Settlement Distribution Scheme. For security reasons, please do not send your TFN or bank account details by any means other than the secure portal.

Payments are presently anticipated to be made to eligible Registered Group Members from mid July 2026. This is an estimate only and distribution to Registered Group Members may take more time.

15. When will I receive payment from the settlement?

Payments are presently anticipated to be made to eligible Registered Group Members from mid July 2026. This is an estimate only and distribution to Registered Group Members may take more time.

16. Can I send you my bank details?

Registered Group Members have now been issued a Final Assessment Notice outlining their compensation entitlement together with an invitation to a secure portal so that Registered Group Members can provide the required instructions to receive payment of their entitlement.

The Scheme Administrator has requested Registered Group Members provide the requested financial information via the secure portal by no later than **4:00 pm (AEST) on 8 May 2026**. If you do not provide the requested information by this deadline, your entitlement to receive a distribution may be forfeited in accordance with the Settlement Distribution Scheme. For security reasons, please do not send your TFN or bank account details by any means other than the secure portal.

Trade Data

17. What if my trade data is incorrect?

Registered Group Members have been sent a Court-approved Notice of Estimated Distribution which contained a Trade Confirmation Summary Report, setting out the trading information provided to the Scheme Administrator and a deadline for requesting a review of any error in the trading information (**Review Request**).

If a Registered Group Member did not submit a Review Request by the deadline, subject to the Scheme Administrator's discretion, the accuracy of trading information in the Notice of Estimated Distribution is deemed correct and complete.

18. Can I register new trade data?

Under the Settlement Distribution Scheme, Registered Group Members are not permitted to register new holdings or additional trades for holdings that were included in the Trade Confirmation Summary Report.

19. What if I think my assessed distribution entitlement is wrong?

Under the Settlement Distribution Scheme, subject to the Scheme Administrator's discretion, the calculation of the distribution entitlement based on a Registered Group Member's Trade Confirmation Summary Report is final and binding. This means that Registered Group Members are not entitled to seek a review of the decision or appeal to the Court in relation to any asserted error.

Other

20. How can I keep up to date regarding this class action?

Further updates and developments in the BHP Class Action will be published on the webpage <https://www.bhpclassaction.com>. We will also provide direct updates to you from time to time. If you are a Registered Group Member and need to update your contact details, please refer to question 21 below.

21. How can I update the details I gave when I registered?

All Registered Group Members who participate in the settlement administration must ensure that their contact information is up to date and notify us by email to enquiries@bhpclassaction.com if your contact information changes.

22. What if I haven't provided you with an email address and/or mobile number?

There will be several steps you will be requested to take in relation to the assessment of your claim/s, including (but not limited to) reviewing assessment notices, and providing bank account details, taxation information, and such personal identification information as is requested by the Scheme Administrator in order to conduct the Sanctions Scans prescribed in the Settlement Distribution Scheme. These processes will be carried out electronically, using a secure and specialist digital platform tailored for claim assessment and settlement distribution.

If you do not provide an email address, your claim/s may be delayed through each stage of the administration as all correspondence will need to be via hard copy mail. It also means that we have no other way to contact you if your hard copy mail is not delivered to you.

We strongly recommend and encourage you to provide an email address and a mobile number by contacting the Joint Applicants' lawyers by email to enquiries@bhpclassaction.com.

23. My question has not been answered. Can I speak to a lawyer?

Our website will be updated regularly as the administration progresses and we move through each phase. We encourage you to continue checking it throughout the settlement administration.

To keep costs to a minimum, we are unlikely to respond to email or phone queries that are already addressed in this Frequently Asked Questions guide. If you have a question that is not addressed above, please email enquiries@bhpclassaction.com.