



## Advocates accuse NSW government of failing to help apartment owners affected by flammable cladding

**SUE WILLIAMS** DOMAIN REPORTER MAR 11, 2019

Residents at high risk from potentially deadly flammable cladding are being denied information about what they should do to make their buildings safe, consumer advocates claim.

Instead, say apartment residents, they are being threatened with huge fines for doing nothing, while owners in some blocks have been told it could cost more than \$50,000 per unit to fix the problem.

The issue erupted after the NSW government refused to pass on details of a seminar intended to help residents of the 400-plus buildings identified as being at high risk from the flammable cladding.

The cladding was the same decorative covering that led to the deaths of more than 70 people in the horrific [Grenfell Tower fire in London](#), as well playing a role in several high-rise blazes in Melbourne and Dubai.

The seminar, set for this weekend in Sydney, was intended to provide information and advice from industry experts on everything from remediation to financing and the possibility of a class-action lawsuit against culpable developers and builders.

But Fair Trading has declined to pass on information about the Owners Corporation Network event because its cladding taskforce does not “support” using its mail-out function “for this purpose”.

“This decision is bewildering,” says Phil Gall, the chair of the OCN which is running the seminar. “Fair Trading hasn’t sent them a guide sheet on the processes and types

of services they need, nor invited them to meet others in the same situation.

“We’re running this seminar to help owners navigate a way through an extremely difficult process, give them information and provide a forum to ask the experts questions. The government’s refusal to pass on details to the affected owners, and their secrecy, would be understandable if they were offering them help – but they’re not!”

---

Related: [Fair Trading to ban dangerous cladding](#)

Related: [Uncertainty over cladding removal bill](#)

Related: [Owners may need second mortgage](#)

---

Under NSW strata law, if apartment owners can’t compel developers or builders to remediate their defects, they are legally obliged to fix problems with common property at their own expense. In the worst-affected buildings, individual apartment owners have been told it could cost them \$50,000-60,000 each to finance cladding removal and replacement.

Meanwhile, developers are launching legal challenges to the government’s decree that flammable cladding is a “major” defect – meaning there is a six-year window for claims on new buildings – saying that the ruling is retrospective and therefore invalid.

Claiming excessive secrecy, the opposition says it hasn’t been able to get access to information about the endangered buildings either because the government has decreed its provision “could be a terrorism risk”.



The Quay West tower in Southbank, Melbourne. It has a fin made of flammable cladding that Melbourne

City Council has ordered be removed. Photo: Scott McNaughton

---

There have been 435 buildings in Sydney classified as potentially at high risk by the Taskforce from an emergency audit following the tower inferno at London's Grenfell apartment block in 2017, which killed 71 people after spreading via highly combustible aluminium composite panels.

Similar panels were implicated in a fire at Melbourne's Lacrosse building in 2014, the Neo200 in Spencer Street earlier this year (2019) and at The Torch in Dubai – twice – in fires in 2015 and 2017.

But while apartment-owners in Victoria have been offered loans to be paid off on council rates by the Victorian government, Sydney owners say they've been abandoned.

"We've had a number of letters dumped in letterboxes by the taskforce, scaring residents but all saying more or less the same thing: You've got a problem, now go and fix it," said an owner in one 12-unit, high-risk building who declined to be named. "They say it's dangerous but what are we meant to be doing?"

Another owner in a 200-apartment block, who also asked not to be named, said they found the Government's approach confronting. "Fair Trading isn't doing anything for us, apart from saying it will fine us \$5 million if we don't do something," he says. "We've been left in limbo."

A spokeswoman for Better Regulation and Innovation Minister Matt Kean's said that because the government was now in caretaker mode ahead of the state election, "it's not appropriate for the minister to comment on Fair Trading's decision".

A spokesperson from the NSW Cladding Taskforce said its CEO had been emailed by the OCN, which requested the taskforce advertise the seminar to owners of buildings known to have cladding.

"The Taskforce advised that it did not support using the personal/mailing information gathered by the Taskforce as part of cladding audits for this purpose, as it was collected for a wholly different reason," the spokesperson said. "It was also considered that respondents would not appreciate using the information for unsolicited promotions."

But opposition Fair Trading spokeswoman Yasmin Catley accused the Government of avoiding discussing the subject of the cladding ever since it arose and, when she also asked about the buildings at risk, she received similarly short shrift.

"The government wouldn't divulge any of that information to us, and they hid behind a screen of terrorism ... saying it could be a terrorist risk, telling the opposition where these buildings were and having this information available," she said.

"Sadly, the issue of cladding is something that the government has not wanted to talk about at all. We actually have Freedom of Information requests now that show the government would like the whole problem to have gone away and not to talk about it which is, obviously, irresponsible and it is not good governance to be taking that approach."

But the taskforce spokesperson said letters had been delivered to all owners with fire safety information. Those explain they need to have their buildings checked by properly qualified fire safety professionals.

Further information is available at [cladding.fairtrading.nsw.gov.au](https://cladding.fairtrading.nsw.gov.au) or by phone on 13 32 20.

Residents in affected buildings can find information about the seminar at [OCN.org.au](https://ocn.org.au).