

Victoria, Queensland join \$500M combustible cladding class actions



The Grenfell tower in London.

[Class Actions](#) | 2020-11-26 4:56 pm | By [Miklos Bolza](#) | Sydney

The states of Victoria and Queensland have joined two class actions over allegedly combustible cladding as group members, with the claims in the proceedings now exceeding \$500 million.

The size of the claims in the class actions over the Alucobond and Vitrabond PE cladding products was revealed by the funder backing the lawsuits, Omni Bridgeway, in an ASX announcement on Thursday.

“There are likely to be more than 1,000 group members and therefore more than 1,000 buildings the subject of the class actions, and the estimated total amount of the claims for compensation will likely exceed AUD\$500 million.”

The lawsuits are both backed by William Roberts. The Alucabond proceedings was [filed in June last year](#) against German manufacturer 3A Composites and distributor Halifax Vogel Group. The Vitrabond class action was filed later in June against Fairview Architectural, a move which temporarily [put the firm into administration](#).

Both class actions seek damages for the replacement of the combustible cladding and any drop in property value, accusing the respondents of misrepresenting the quality and safety of the cladding products.

HVF has [denied the material itself was unsafe](#), instead saying that its suitability for use in certain buildings would depend on an assessment by a builder, architect or certifier.

On Tuesday, both Victoria and Queensland filed a notice of consent to become group members in the proceeding, a step which would increase the size of the total claim, William Roberts' principal Bill Petrovski told Lawyerly.

“The quantum of the claims of the class to be ultimately pursued would naturally be expected to increase by participation of the States,” he said.

Group members in the two class actions include owners' corporations, commercial building owners and public bodies in all Australian states and territories.

William Roberts and IMF Bentham are continuing to investigate possible class actions against other polyethylene core cladding manufacturers.

The Australian class actions were filed after major fires around the world in buildings that used polyethylene core cladding. Most notably, the 23 storey Lacrosse tower in Melbourne caught fire on November 25, 2014 and the Grenfell tower in London caught fire on June 14, 2017, resulting in loss of lives and property.

The NSW government issued a retroactive ban on the use of certain aluminium cladding which took effect on August 15, 2018, and applies to cladding where the core is more than 30 percent PE. In Victoria, orders to remove and replace flammable cladding have been issued to owners of several buildings.

The class actions are represented by Justin Gleeson SC, William Edwards, and Jerome Entwisle, instructed by William Roberts Lawyers. 3A Composites is represented by Matthew Darke SC and Amelia Smith, instructed by King & Wood Mallesons. Halifax Vogel Group is represented by Nicholas Owens SC and Sam Adair, instructed by Sparke Helmore. Fairview was previously represented by Colin Biggers & Paisley and then Henry William Lawyers. It is now represented by Mills Oakley.

The Halifax Vogel and 3A Composites class action is [The Owners – Strata Plan 87231 v 3A Composites GmbH & Anor](#). The Fairview class action is [The Owners – Strata Plan No 91086 v Fairview Architectural Pty Ltd](#).