

Victoria drops out of combustible cladding class actions



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The state of Victoria has opted out of two class actions over allegedly combustible cladding, after agreeing to join as a group member last year.

Funder Omni Bridgeway announced the state's change of heart earlier this month but did not give a reason for why it had opted out after joining in November. The state of South Australia agreed to be a group member on May 31, joining the state of Queensland which signed on to the class actions last year.

After Victoria and Queensland agreed to join, Omni Bridgeway said the claims in the class actions over the Alucobond and Vitrabond PE cladding products had ballooned to more than \$500 million and that there were likely to be more than 1,000 group

members and buildings represented. The current value of the claims in the class actions after Victoria dropped out and South Australia consented to join is not known.

In a case management hearing in December, [Federal Court Justice Michael Wigney said](#) he was inclined to have separate trials over the two cladding products to avoid a “behemoth” hearing.

The lawsuits are both being run by William Roberts. The Alucabond class action was [filed in June 2019](#) against German manufacturer 3A Composites and distributor Halifax Vogel Group. The Vitrabond class action was filed later in June 2019 against Fairview Architectural, a move which temporarily [put the company 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.

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](#).

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