

# LAWYERLY

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## 3A Composites' cladding 'comparable to petrol', class action trial told



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A class action trial has heard that flammable Alucobond panels provided by 3A Composites and supplier Halifax Vogel are comparable to petrol and could ignite a fire that presents an “insurmountable challenge” to containment.

On the first day of trial before Federal Court Justice Stewart Anderson on Monday, class action barrister Ian Roberts SC said that Germany-based 3A’s Alucobond panels were “widely marketed” as a building material to use as cladding but were “wholly unsuitable for that purpose”.

Roberts said that the Alucobond panels (ACP), which have an aluminium coating and a polyethylene core, are “highly combustible” and pose an “unacceptable fire risk”.

The [William Roberts Lawyers-led class action](#) against 3A and Australia’s Halifax centres on aluminium composite panels, known as Alucobond, installed in countless buildings across Australia. Lead applicant The Owners – Strata Plan No 87231 argues the flammable properties inherent in Alucobond increased the risk of fire, damage and loss of life.

The class action seeks damages for buildings fitted with the cladding between February 2009 and February 2019, including the cost of replacing the cladding with suitable material and any other costs required to make each building safe from fire.

The class action alleges the cladding was not of merchantable quality because of the fire risk and a risk that it would be prohibited from use by regulatory bodies. Further, the class action alleges that 3A and Halifax engaged in misleading conduct in advertising and promoting the panels.

## **Polyethylene has similar heat energy to petrol, court told**

Roberts told the court on Monday that a key material in the cladding, polyethylene, has a calorific value, which is the amount of heat energy it contains, of 46 megajoules per kilogram, which is comparable to petrol, diesel and natural gas.

“It is not just that the product is highly combustible but a facade with ACPs with a polyethylene core ordinary has a very large volume of available fuel,” he said.

The ACPs undermine a “core principle of fire safety strategies”, which is to contain the fire to one area, because it can create a ‘bridge’ that allows a fire to spread rapidly, he said.

“It’s the ability to bridge different compartments that allows the facade fire...to spread so rapidly and undermine that core principle,” said Roberts.

The cladding had the unique ability to “burn in all directions” rather than upwards as fires tend to travel, he said. That created a potentially “lethal effect” of allowing raining debris to fall down, creating downward and horizontal fire spread, rather than just upwards, said Roberts.

# Cladding creates ‘insurmountable challenge’ in fighting fires, court told

A firefighter who had charge of responding to a fire in the Lacrosse building in Melbourne, which involved PE cladding, gave evidence he had never seen an apartment fire spread so quickly in his 30 years of experience.

According to Roberts, the firefighter said the cladding creates an “insurmountable challenge” to containing a fire to where it originated.

While 3A and Halifax argue the panels were understood to be safe because they had aluminium cover sheets to protect the core, Roberts said that was incorrect because aluminium melts at lower temperatures than seen in a typical cladding fire scenario.

While 3A claims that qualified professionals were involved in choosing the cladding, Roberts said it was not common for fire safety engineers to be involved in the design of the cladding. Instead, builders relied on the “incorrect understanding” promoted in 3A and Halifax’s advertising of the cladding that they did not present a material fire risk, he said.

3A Composites also claims it was not responsible for advertising and promoting the panels, the court heard Monday.

## Class actions filed after major fires broke out

IA second class action has been filed against the defunct Fairview Architectural, alleging the company misrepresented the quality of its popular but alleged highly flammable Vitrabond polyethylene cladding.

Both class actions were filed in 2019 after major fires broke out in buildings that used polyethylene core cladding, most notably, the 23-storey Lacrosse tower in Melbourne in 2014 and the Grenfell tower in London in 2017.

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 polyethylene.

The class action against Halifax and 3A Composites is represented by Ian Roberts SC, Stephen Free SC, Jerome Entwisle and Zoe Graus, instructed by William Roberts. 3A Composites is represented by Matthew Darke SC, Lucas Shipway, Amelia Smith and

Bart Dziubinski, instructed by Wotton + Kearney. Halifax is represented by Nicholas Owens SC, Sam Adair, instructed by King & Wood Mallesons.

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 ACN 111 935 963](#).