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IMF Bentham, William Roberts Lawyers launch register for cladding class action

by [Michael Bleby](#)

Litigation funder IMF Bentham and law firm William Roberts Lawyers are hoping to launch a class action to get compensation for owners of buildings with combustible polyethylene-core cladding.

ASX-listed IMF Bentham and the law firm declined to disclose the likely defendants in any claim, saying that ultimately would be determined by the nature of cladding complaints brought by parties that joined the claim.

Because the number of buildings nationally with combustible cladding was unknown – state governments have declined to make public their lists of potentially dangerous buildings – the class action push had identified "potential respondents" but needed the input of owners, IMF investment manager Gavin Beardsell said on Tuesday.

"We've got no choice but to start from scratch and ask people to come forward and provide us with information to enable us to assist them and work out, confirm a strategy, with a view to commencing a class action in the near future," Mr Beardsell told *The Australian Financial Review*.

He also declined to disclose the value threshold for claims needed to make a class action viable.

"What you can glean from the publicly available information is that there are potentially hundreds of buildings across the country that are affected," Mr Beardsell said. "The cost to each building will vary depending on the cladding, but in a typical multistorey building it's likely to be millions of dollars. It wouldn't take many buildings to be in the class to make it viable."

The push is not the first to bring together a class action over combustible cladding. In Victoria, [law firm Adley Burstyner and Roscon Property Services](#) have opened a register for claimants to join them in targeting large building companies including Hickory Building, Hamilton Marino, LU Simon Builders and Probuild. They do not yet have funding, however.

Rival law firm [Slater and Gordon](#) was not pursuing any class action over cladding, a spokeswoman said.

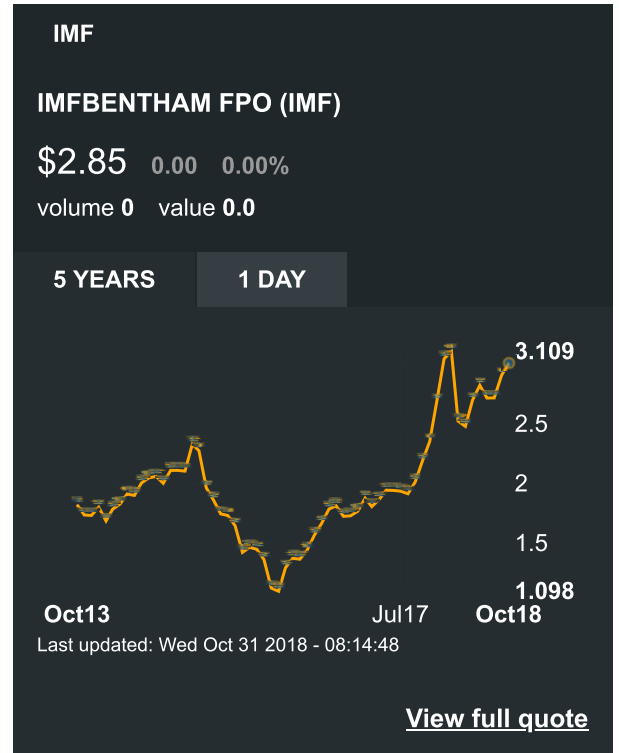
Determining responsibility for putting up cladding is a fraught process, as the [six-week Victorian Civil and Administrative Tribunal damages claim against Lacrosse builder LU Simon](#) heard recently. The tribunal, which heard [a series of claims and counter claims](#) between the builder and its subcontracted architect, building surveyor and fire engineer, has not yet made a judgment.

But the group could find common ground, a William Roberts spokesman said.

"We are confident we can structure this in a way which seeks that collective redress Australia-wide for pretty much all types of buildings," he said.

"The collective redress of a class action format is deciding common issues among all group members running one case, incurring one set of costs and incurring one set of adverse cost risk. That's the fundamental benefit of having a class action format."

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