



Federal Court of Australia  
District Registry: New South Wales  
Division: General

No: NSD215/2019

**THE OWNERS - STRATA PLAN 87231**

Applicant

**3A COMPOSITES GMBH** and another named in the schedule

Respondent

**ORDER**

**JUDGE:** JUSTICE WIGNEY

**DATE OF ORDER:** 31 May 2021

**WHERE MADE:** Sydney

**BY CONSENT, THE COURT ORDERS THAT:**

1. Effective from the date of these orders, The Owners – Strata Plan No 98297 is appointed as a sub-group representative in accordance with s 33Q(2) of the *Federal Court of Australia Act 1976* (Cth) on behalf of all persons (**Sub-Group Members**), who, as at the date of the Amended Statement of Claim (utilising definitions in the Amended Statement of Claim):
  - a) either:
    - (i) own or have previously owned a Relevant Building, or have or have previously had an ownership interest in a Relevant Building Part; or
    - (ii) have or have previously had a leasehold interest in a Relevant Building and/or a Relevant Building Part which includes an obligation to rectify defects of a kind associated with Alucobond Plus in the Relevant Building or the Relevant Building Part; and
  - b) where the Relevant Building and/or the Relevant Building Part is or was fitted with Alucobond Plus; and
  - c) have suffered loss or damage for which statutory damages or compensation is claimed, as pleaded in the Amended Statement of Claim;



- d) where the Alucobond Plus was first supplied to a Consumer in the Relevant Period; and
- e) were not during the Relevant Period, and are not, any of the following:
  - (i) a related party (as defined by s 228 of the *Corporations Act 2001* (Cth) (**Corporations Act**)) of 3A Composites or HVG;
  - (ii) a related body corporate (as defined by s 50 of the *Corporations Act*) of 3A Composites or HVG;
  - (iii) an associated entity (as defined by s 50AAA of the *Corporations Act*) of 3A Composites or HVG;
  - (iv) a director, an officer, or a close associate (as defined by s 9 of the *Corporations Act*) of 3A Composites or HVG; or
  - (v) a judge or the Chief Justice of the Federal Court of Australia or a Justice or the Chief Justice of the High Court of Australia.
2. The case management hearing listed on 2 June 2021 be vacated.
3. The Applicant pay the First Respondent's costs of and incidental to the case management hearing on 16 December 2020 insofar as that hearing related to the issue of whether The Owners – Strata Plan No 98297 should be appointed as a sub-group representative in accordance with s 33Q(2) of the *Federal Court of Australia Act 1976* (Cth), such costs to be taxed if not agreed.

**THE COURT NOTES THAT:**

1. Where the Points of Claim filed by the Applicant on 13 February 2021 makes references to “sample group member” or to The Owners – Strata Plan No 98297 as being a “Sample GM”, those references are instead to be hereafter read as “sub-group representative”.
2. The proceeding remains listed for a further case management hearing at 9:30am on 6 October 2021 in accordance with order 10 of the orders made on 16 December 2020.

Date that entry is stamped: 31 May 2021

  
Registrar



**Schedule**

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Second Respondent      HALIFAX VOGEL GROUP PTY LIMITED