

# Paul Clifford Wellington

B.Arch, BA, MA, LLB, Master of Law, Life Fellow RAI, IAMA (Resolution Institute)

## Contact Details

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## Statement

Director of Paul Wellington Architects since 1980. Formed Paul Wellington architect solicitor arbitrator in 2007, closed legal practice in 2020. A registered architect in WA since 1993 following from practice in Victoria (1980-1993).

Graduate in architecture at Melbourne University, Bachelor and Master of Arts from Monash University, a Bachelor of Law, Murdoch University and a Master of Law from Melbourne University.

Life Fellow of the Royal Australian Institute of Architects, a graded arbitrator and mediator with the Resolution Institute, adjudicator under the *Construction Contracts Act WA*, Certificate of National Accreditation as a mediator.

A sessional academic at Curtin, Murdoch and Notre Dame Universities lecturing on construction law, dispute resolution and architectural/construction practice.

Appointed by the government of WA to the Architects Board of WA, an examiner for Architects Accreditation Council of Australia, appointed to the Municipal Building Surveyors Qualification Committee, the Building Bill Working Group, the Building Regulation Advisory Committee WA and the Tiered Builder's Registration Reference Group by the Department of Commerce/Housing & Works.

Reference : [www.paulwellington.com](http://www.paulwellington.com)

## Areas of Practice

- Construction and Building Law
- Architectural Practice
- Construction/consultancy contracts/agreements
- Contract Administration
- Building Practice
- Alternative dispute resolution; arbitration, adjudication and mediation
- Expert Witness
- Building Failure and Causes

## Qualifications

Institute of Arbitrators and Mediators (IAMA); Certificate of National Accreditation; Experienced Qualified Practitioner in Mediation	<b>2009</b>
Master of Laws — University of Melbourne	<b>2008</b>
Certificate of Registration as Adjudicator WA	<b>2005</b>
Institute of Arbitrators and Mediators- Practitioners Certificate in Mediation and Conciliation	<b>2003</b>
Graduate Diploma in Legal Practice – College of Law, Sydney	<b>2001</b>
The University of Adelaide, Professional Certificate in Arbitration	<b>2001</b>
Bachelor of Laws — Murdoch University, Perth	<b>2000</b>
Master of Arts (Distinction), Thesis: “Robin Boyd: The Early Years” — Monash University,	<b>1997</b>
Bachelor of Arts — Monash University	<b>1974</b>
Bachelor of Arts — Australian National University, (transferred to Monash University)	<b>1972</b>
Bachelor of Architecture — Melbourne University School of Architecture	<b>1970</b>

## Professional Registrations & Memberships

### ARCHITECTURAL

Architects Accreditation Council of Australia (assessor for registration of international architects).	<b>2019 – current</b>
Life Fellow of the Royal Australian Institute of Architects	<b>2018 - current</b>
Appointed by Minister for Commerce to Building Commission; review of Builders Registration (tiered registration)	<b>2013</b>
Architects Board of WA; Assessor for Architectural accreditation for registration of architects WA	<b>2006 – current</b>
Appointed by Minister for Housing and Works on Municipal Building Surveyors Qualification Committee	<b>2006 – 2008</b>
Royal Australian Institute of Architects 'representative on Department of Housing and Works Building Act Working Group	<b>2006 – 2009</b>
Sessional Member of State Administrative Tribunal	<b>2005 – 2017</b>

Royal Australian Institute of Architect's representative on Architects Board of WA	<b>2004 – 2011</b>
Associate of Institute of Arbitrators & Mediators Australia now Resolution Institute Australia as Graded Arbitrator (2003) Mediator (2005)	<b>2000 – current</b>
RAIA representative on the Building Regulation Advisory Committee, WA	<b>2003 – 2009</b>
Fellow of Royal Australian Institute of Architects (RAIA)	<b>1999 – 2018</b>
RAIA Senior Counsellor	<b>1995 – current</b>
RAIA Practice Committee, WA	<b>1994 – current</b>
Registered Architect, WA	<b>1993 – current</b>
Paul Wellington Architects Pty Ltd (director)	<b>1982 – current</b>
Registered Architect, Victoria	<b>1975 – 2009</b>

## **DISPUTE RESOLUTION**

Resolution Institute, coach for the registration of mediators under National Mediator Accreditation System (NMAS)	<b>2015 – 2017</b>
Resolution Institute Australia National Accreditation as Experienced Qualified Practitioner in Mediation under NMAS)	<b>2012 – 2018</b>
Small Business Corporation of WA – registered mediator	<b>2012 – 2017</b>
Mediator under Australian National Mediator Accreditation Standards	<b>2009 – 2018</b>
Registered Adjudicator under Construction Contracts Act WA 2004. Appointed 2005	<b>2005 – current</b>
Graded Mediator Institute of Arbitrators & Mediators	<b>2004 – current</b>
Graded Arbitrator Institute of Arbitrators & Mediators	<b>2003 – current</b>
Society of Construction Law Australia	<b>2002 – current</b>
Associate of The Institute of Arbitrators & Mediators Australia	<b>2001 – current</b>
IAMA coach for persons undertaking registrations as mediators	<b>2000 – 2014</b>

## **LEGAL**

Practicing solicitor Paul Wellington architect and solicitor	<b>2007 – 2020</b>
Legal Practice Board WA, Practising Certificate	<b>2006 – 2020</b>

Practicing solicitor with H S Pinder Solicitors	<b>2006</b>
Legal Practitioner WA	<b>2002 – 2020</b>
Legal Practitioner NSW	<b>2002</b>
Law Clerk Jackson McDonald, Barristers & Solicitors	<b>2001 – 2002</b>

## Lecturing/University Appointments

### CURTIN UNIVERSITY

School of Law – Lecturer for Construction Law	<b>2015 – Current</b>
Sessional Lecturer Tutor - School of Humanities Contract Law for Masters Degree in Procurement Management	<b>1999 – 2005</b>
Building Measurement (specifications)	<b>1996 – 2014</b>
Sessional (casual academic) lecturer School of Humanities, Faculty of Construction Management & Economics in (CME) in Construction Law & Contract Administration	<b>1994 – Current</b>
Sessional Lecturer, School of Humanities, Faculty of Architecture in Construction Law and Specifications	<b>1994 – 2000</b>

### MURDOCH UNIVERSITY School of Law:

Lecturer in Dispute Resolution	<b>2012</b>
Lecturer in 'Construction Law'	<b>2007 &amp; 2008</b>
Lecturer in Mediation	<b>2007</b>

### THE UNIVERSITY of NOTRE DAME School of Law:

Lecturer in Dispute Resolution with Professor Phil Evans	<b>2006</b>
Lecturer Construction Contracts with Professor Phil Evans	<b>2005</b>
Lecturer Construction Claims with Professor Phil Evans	<b>2004</b>

### MELBOURNE UNIVERSITY School of Architecture, Planning and Building

Design Tutor for 2nd to 5th year (thesis) architecture students	<b>1982 – 1992</b>
Research Officer- for Melbourne University Programme in Antarctic Studies (MUPAS). Research on living conditions for expeditioners at Australian Antarctic bases.	<b>1982 – 1992</b>

## Work Experience

Adjudicator for disputes under <i>Construction Contracts Act</i> WA (various)	<b>2020</b>
Adjudicator for disputes under <i>Construction Contracts Act</i> WA (various) Arbitrator for dispute concerning consultancy agreement Expert opinion for legal practices (various) Mediator for Small Business Development Corporation WA incl. 2015-2018	<b>2019</b>
Adjudicator for disputes under <i>Construction Contracts Act</i> WA (various) Consultations on architectural and building contracts, advice to building contractors on contract administration Preparation for respondent in arbitration concerning cost plus contract. Expert opinion/ reports on building defects and contract administration	<b>2018</b>
Expert opinion for District Court (defects & estimating costs). Expert opinion for defects to strata apartments Adjudicator under <i>Construction Contracts Act</i> WA (various)	<b>2017</b>
Adjudicator for adjudications under <i>Construction Contracts Act</i> WA Expert opinions on building defects for matters before Supreme Court and State Administrative Tribunal WA. Expert opinion on contract administration and copyright (District Court).	<b>2016</b>
Expert opinions for claimants before SAT. Solicitor for respondents in arbitration. Mediator for Small Business Development Corporation WA. Arbitrator for lease agreement Adjudicator for adjudications under <i>Construction Contracts Act</i> . Consultancy advice for construction disputes/ consultancy agreements.	<b>2015</b>
Expert opinion for disputes before SAT and Supreme Court Solicitor for defendant in District Court. Consultations (various) on construction law disputes. Solicitor for defendant in District Court. Adjudicator for claims under <i>Construction Contracts Act</i> . Engaged by City of Melville for staff mediation training. Mediator for lease disputes.	<b>2014</b>

<p>Mediator for contractor client disputes  Expert opinions for claims concerning housing defects in Supreme Court.  Solicitor for construction defects in District Court.  Adjudicator for determinations under Construction Contracts Act.</p>	<b>2013</b>
<p>Expert opinion and solicitor for claims in State Administrative Tribunal, District and Magistrates Courts Court.  Co-tribunal member on matters before State Administrative Tribunal.  Arbitrator for arbitration disputes.  Mediator in client/builder and principal /architect agreements.  IAMA appointed coach for applicant's applying for Practitioner's Certificate in Mediation and Conciliation.</p>	<b>2012</b>
<p>RAIA Award for architectural design, sustainability, interior and lighting, Hamersley Road House Subiaco.  Design of house and surgery Shenton Park.  Assessor for Catholic Education for commissioning of architectural appointments.  Adjudications under Construction Contracts Act  Arbitrations under Commercial Arbitration Act,  Mediator, solicitor for matters before Magistrates and District Court and Building Disputes Tribunal.  Expert opinions on copyright, slips and falls, building disputes and building defects.  Sitting as sessional member on SAT.</p>	<b>2011</b>
<p>Adjudications under the Construction Contracts Act.  Acting for parties before State Administrative Tribunal and as a sessional member on SAT,  Expert opinions on copyright, building defects and contract liability,  Dilapidation reports for commercial buildings.  Solicitor in matters before the Magistrates and District Court.</p>	<b>2010</b>
<p>Design and construction of house Subiaco.  Expert opinion on falls, copyright, and building defects.  Adjudications under the Construction Contracts Act.  Matters before the Building Disputes and State Administrative Tribunal.  Arbitrator building disputes.</p>	<b>2009</b>
<p>Adjudications under Construction Contracts Act,  Expert opinions including injuries on work site, for arbitration on building defects for houses &amp; arbitrator for building dispute.</p>	<b>2008</b>
<p>Expert opinion concerning injuries and damage before District Court  Adjudications under Construction Contracts Act WA;  Sessional Member for State Administrative Tribunal</p>	<b>2007</b>

<p>Expert opinions and witness for disputes before Building Disputes Tribunal</p> <p>Solicitor for parties in arbitration,</p> <p>Solicitor for parties before the Magistrates Court on breach of contract, negligence &amp; copyright.</p> <p>Sessional member for State Administrative Tribunal at sessions concerning appeals against Building Tribunal decisions.</p> <p>Adjudicator under the Construction Contracts Act WA.</p>	<b>2006</b>
<p>Alterations and additions to office and house at Subiaco.</p> <p>Reports and opinion on building defects for RAIA Archicentre, expert opinion on defects and contract documents</p> <p>Expert opinion for matters before Supreme Court Arbitrator and mediator (various) copyright.</p>	<b>2005</b>
<p>Consultant with Department of Housing and Works WA for the drafting of Construction Contracts Bill 2004</p> <p>Expert opinion for Risk Insurers on novation and breach of architectural consultancy agreements</p> <p>Referee for Local Court; appointment by the President of the Law Society of WA</p>	<b>2004</b>
<p>Expert opinion for RAIA Risk Insurers</p> <p>Expert opinion for RAIA WA Chapter</p>	<b>2003</b>
<p>Law Clerk Jackson McDonald, Barristers &amp; Solicitors</p>	<b>2001 &amp; 2002</b>
<p>Department of Local Government, Perth: Two month appointment to Research 'Proposals for a Building Act WA'.</p> <p>Federation Square Competition. Entry submitted in association with Elizabeth Karol.</p>	<b>1997</b>
<p>Royal Australian Institute of Architects, WA: Executive Director.</p>	<b>1993 – 1996</b>
<p>University of Melbourne, Faculty of Architecture and Planning: Tutor in Building Construction.</p>	<b>1989 – 1990</b>
<p>University of Melbourne, Faculty of Architecture and Planning: Part-time Lecturer / Design Tutor</p>	<b>1980 – 1985</b>
<p>University of Melbourne, Programme in Antarctic Studies: Research Officer on Australia's Rebuilding Programme in Antarctica.</p>	<b>1980 – 1983</b>
<p>Paul Wellington Architects (Victoria)</p>	<b>1980 – 1994</b>
<p>Chapman Taylor &amp; Associates, London, UK: Architect.</p>	<b>1978 – 1979</b>
<p>Fitzroy Robinson &amp; Partners, London, UK: Architect.</p>	<b>1977 – 1978</b>
<p>Commonwealth Department of Housing &amp; Construction: Architect.</p>	<b>1974 – 1976</b>

Australian Tourist Commission, Melbourne: Architect & Planner (Division of Development and Research).	<b>1972 – 1974</b>
Commonwealth Department of Works, Canberra, Melbourne, Darwin: Cadet Architect.	<b>1970 – 1972</b>

## Publications, Awards & Conferences

Presentation to LegalWise Seminars on 'Liability under Consulting Agreements (Lacross) .	<b>2020</b>
Presentation to Legal Wise Seminars on 'Consulting Agreements under BIM'. Paper & presentation to Society of Construction Law Surfers Paradise Qld 'on Consultancy Agreements under BIM'. Contributor to Austalian Institute of Architects, Acumen/Practice Note on BIM.	<b>2017</b>
City of Subiaco: Award for Best Sustainable House Attendance at IAMA/ Resolution Institute and Society of Construction Law Seminars	<b>2016</b>
Seminar on BIM including Brookfield Multiplex BIM managers working on Perth Stadium Melbourne University Law School intensive ; Legal Risk and Construction Advanced Contracts (October) Melbourne Law School Master Class on New Frontiers of Construction Contracting with Professor David Mosey (November)	<b>2015</b>
Attendance at IAMA/Resolution Institute and Society of Construction Law seminars on Construction Law mediation, Arbitration and Construction Contracts Act	<b>2014</b>
Presentation and paper for seminar at LegalWise Seminar: "Design Risk: Fitness for Purpose Warranties in Construction."	<b>2013</b>
Presentation to IAMA and RAIA professional development sessions/seminars & Society of Construction Law seminar.	<b>2012</b>
RAIA Architecture Award for Hamersley Road house Subiaco for interior architecture and commendations for house design, sustainability and lighting. IAMA Expert Determination intensive seminar.	<b>2011</b>
Society of Construction Law conference on Construction Law (convener for IAMA sessions). IAMA arbitration and adjudication master classes.	<b>2010</b>
Participant in seminars on Building Code of Australia and IAMA arbitration and adjudication master classes.	<b>2009</b>

Chair for sessions of Institute of Arbitrators and Mediator's Conference Fremantle. Building Code Conference	<b>2008</b>
Melbourne University Law School, IAMA Professional Development seminars, Building Regulations Advisory sessions., IAMA Conference Adelaide.	<b>2007</b>
Australian Building Codes Board, National Technical Summit, Hobart Review, preparation and submission of Royal Australian Institute on proposed Western Australian Building Act and amendments to Home Building Contracts Act 1991 and Builders 'Registration Act 1939. The Trade Practices Act and 'Misleading 'conduct (rewrite/upgrade) RAIA Practice Management Advisory Notes AN 08.02.408.	<b>2006</b>
Presentations for the Department of Housing and Construction WA on the Construction Contracts Act WA. Presentation and paper to The Institute of Arbitrators & Mediators Australia WA Chapter, 'Construction Contracts Act WA: Appeals against an Adjudicator's Determination'. Presentation to the Australian Cost Engineering Society: ACES 2004 Perth Seminar, 'Implications of the New Construction Contract Act WA for Cost Engineers'. Paper and presentation to IAMA on certiorari appeals against the decision of adjudicators appointed under the NSW Building & Construction Security of Payment Act. Melbourne University Law School paper.	<b>2004</b>
Rewrite of RAIA Practice Management Advisory Notes AN 06.01.600 'Are your 'Independent Contractors 'really Employees?' —	<b>2002</b>
Article for Australian Property Law Group, Law Council of Australia titled 'Moral Rights Relating to Buildings '(with Jackson McDonald)	<b>2001</b>
Presentation to Society of Architectural Historians, Australia and New Zealand titled 'Robin Boyd's Houses in the Immediate Post War Years'	<b>1993</b>
Address to the Annual Dinner of Council for the Historic Environment. Melbourne Conference Society of Architectural Historians, Australia and New Zealand, 'Robin Boyd's Early Years: The New Puritanism' Transition's 10th Anniversary Conference, Robin Boyd and Australian Architecture Criticism: A Reassessment.	<b>1989</b>
RAIA Archicentre Inaugural Winner ' –Inspection Excellence Award 'RAIA Archicentre Pty Ltd Melbourne.	<b>1987</b>
'Architecture in Australia', 75, 3, 1986 pp. 68 – 69 — Feature on Gibson House.	<b>1986</b>