

no agreement by the parties either party may apply to the Court for directions under 4 above.

8. The Plaintiff shall, in the absence of any agreement to the contrary by both parties, have the right to address the meeting first and the Defendant shall have a right of reply.
9. The parties may make any rules for the conduct of the Mediation Conference as they may agree upon.
10. The mediator may meet separately with the parties and their advisers. Information divulged to the mediator during these meetings shall not be revealed to the other parties without the prior permission of the party imparting the information.
11. The parties may jointly appoint such independent experts or other independent persons as they may agree upon to assist in the settlement process.
12. Where agreement has been reached, the mediator will assist the parties to establish the appropriate methods of formalising the agreement.
13. Each of the parties has the right to withdraw from the settlement negotiations at any time after the parties have completed the initial conference referred to in 4 above. If one of the parties wishes to withdraw earlier it may do so subject to such terms as may be agreed upon between the parties and the mediator. If there is no agreement the parties may seek directions from a Court pursuant to 4 above.

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ARCHITECTS BATTLE DEREGULATION MOVE Victoria's bid to allow more people to market themselves as architects has drawn a strong response.

- Sally Fisher

Victoria's architects are under siege on two fronts. First, they are losing jobs as the building industry falls into a downturn nationwide after a five-year boom. The number of architects employed in large firms around Australia dropped 6% for the six months to December 1989. And the State Government's regulation review unit has recently moved to deregulate the profession.

In a 1989 discussion paper, the unit threatened to remove the profession's monopoly on the use of the term "architect" and repeal the Architects Act of 1958. The statute enables the Architects Registration Board of Victoria to confer the title of architect on applicants that meet its professional standards. The board specifies that applicants must pass a course at an approved school, have two years' practical experience and pass examination by the board.

Consultants to the unit reported late last year that no economic advantage was conferred by regulation, and recommended the profession be open to all. Draughtspeople, interior designers, building consultants and people handy on a drawing board should be able to market themselves as architects, the discussion paper said.

If deregulation goes ahead, Victoria's architects will be trend-setters. No other place has taken such action. According to Greg Smith, the executive director of the Royal Australian Institute of Architects, many countries are looking towards increased regulation.

"The community's awareness of their built environment is increasing. They are demanding higher-quality buildings and architects are the only ones who can provide this," Smith says.

He adds that the profession wants to retain its high social status, which the community perceives to be a result of the provision of a relatively high standard of service. "And we don't want this standard undermined," he says.

But the profession is fighting back. An emergency meeting of Victoria's 3000 architects was called this month at the University of Melbourne to discuss tactics. The meeting voted to take action against the deregulation move.

A lobbying campaign was begun, with the Institute's members and their clients petitioning the Victorian Minister for Housing and Construction, Barry Pullen. The Institute mounted what Smith describes as "a quasi-political campaign."

"Architects are petrified of deregulation," says Robert Peck, a director of the Melbourne architectural firm Robert Peck von Hartel Trethowan and the president of the Association of Consulting Architects. "The board ensures educational standards remain high and polices the profession. With deregulation, this would disappear."

The architects have scored a victory in round one of the deregulation battle. Pullen has abandoned the idea of repealing the Architects' Act but is convening a working party to review it.

According to a spokesman for Pullen, the working

party will be set up when the regulation review unit hands down its report. "The final report is due at the end of March and a decision should be made in only two to three weeks after it is presented," he says.

The terms of reference for the working party have been changed, and it will now look into how consumers can be better protected from shoddy architectural practices. At present, the Architects Review Board is composed of seven professionals who oversee and police the profession's standards. "We should have some lay people on this board," Peck says, "and not necessarily have architects reviewing architects."

He adds that another item on the working party's agenda may be the hidden side-effects of the recent building boom. "A large number of builders and contractors tended not to use architects in the construction phase of building during the boom. We expect problems to arise as a result of not using architectural services at this crucial phase, and we should look at ways to minimise the impact on proprietors," Peck says.

And in a touch of irony for the regulation review unit, the profession may find itself with more power after the legislation is reviewed. The Institute's Smith says the review board's powers may be beefed up in the interests of protecting consumers. "We would like to see greater penalties for those breaching the code of ethics," he says.

Victoria's architects are the first true professionals to be scrutinised by the regulation review unit. The unit has so far reviewed the operations of pawnbrokers and real estate agents. Smith believes architects were seen as a test case. If they could be deregulated, other professions might soon follow.

Smith says architects have been chosen "because we are a relatively small profession and we would go easily and become a precedent for the deregulation of other professions".

Peck says the Architects Act already provides well for consumer protection. "Consumers presently have redress through the Act if an architect stuffs up," he says. "Repealing the Act would remove this. I am confident deregulation as envisaged by the (unit's) consultants will not go ahead."

He believes architects generally welcome a review of their governing legislation and expect improvements to be made. "A review of the Act is still pertinent but total deregulation isn't," he says.

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- Practice Matters Generally
- Contracts
- Conditions of Engagement
- Arbitration
- Planning Legislation
- Building Legislation
- Copyright
- Pending Litigation

The members toll free number is 008-033-197. The RAIA information sheet on this service notes that it is a "first aid" service only and not a substitute for proper legal, or insurance, or practice advice, which may be appropriate in particular circumstances.