

ASK EXPERIENCED PRACTITIONERS!

Association of Arbitrators
(Southern Africa) NPC



Workshop
In-person and Online

Construction Conundrums

Please join us for this important workshop, presented by our KwaZulu-Natal Regional Chairman, regional committee members and partners of Cox Yeats Attorneys, as part of the Association's ongoing mission to provide regular upskilling opportunities for everyone interested in Alternative Dispute Resolution (ADR).

ABOUT THE WEBINAR WORKSHOP:

The workshop will be presented in-person and via Zoom. The following topics will be canvassed:

- ✓ Can an employer revise a Payment Certificate in order to defeat a contractor's claim for payment?
- ✓ When professionals fail to perform – an assessment of their duties and implications of their failures;
- ✓ Can an employer withdraw from a contract on the grounds that it mistakenly accepted the contractor's tender?
- ✓ Public Procurement Bill – where is procurement law heading?
- ✓ The strength of adjudication awards – sharing the Supreme Court of Appeal's latest ruling.

ABOUT OUR PRESENTERS:

Mr Richard Hoal, AAarb (SA):



Richard heads up the construction, engineering and infrastructure team and is joint head of the insurance team. He has practised as an admitted attorney in South Africa for over 26 years and initially worked extensively in litigation. He has developed a unique speciality in construction and project work as well as complex insurance casualty claims.

He has advised clients on a range of project development, construction and engineering contracts, including major infrastructural projects undertaken in Southern Africa. He has represented clients in litigation and arbitration proceedings relating to building, engineering and commercial contracts and insurance contracts. He has also represented and assisted main contractors and subcontractors in putting together tenders, reviewing contractual conditions, contract risk assessments and claims formulation, as well as contract and project negotiations with employers. He has also advised a range of clients on commercial transactions and acquisitions. As a result of this expertise in the construction industry, Richard has been appointed by national insurance companies to advise on issues relating to Occupational Health and Safety investigations, large casualty claims and professional indemnity claims. He has investigated a number of structural collapses and appeared in formal Inquiries. His insurance practice includes professional indemnity work in the built environment as well as general professions and director and officer liability. He also deals with complex indemnity and recovery claims.

He is a committee member of the Association of Arbitrators (Southern Africa) NPC and conducts adjudications and arbitrations in the field of construction and engineering law as well as insurance law and professional indemnity claims. He is a member of the International Bar Association Committee on International Construction Projects. He is also a Commissioner in the Small Claims Court.

He has been recognised by Best Lawyers^{®1} for Construction Law and in 2022 was recognised as Construction Lawyer of the Year in South Africa by virtue of the highest overall peer feedback.

¹ Best Lawyers[®] publishes top talent in over 70 countries and is considered the most respected peer-review title in the legal profession.

Mr Ken Howie, FAarb (SA):



Ken was a design architect and team leader for Dr A G Jeetoo Hospital, Port Louis, Mauritius, from 2008 to 2012 on behalf of FGG Architects and a healthcare course presenter through HF Planning. He acts as expert witness in building disputes. He is a Fellow of the Association of Arbitrators (Southern Africa) NPC and a qualified arbitrator. He provides professional advice and dispute resolution, and is a professional practice course presenter through KZNIA. He was a member of the National Regulator for Compulsory Specifications Appeal Board 2013.

Professor Nishani Harinarain, BSc Quantity Surveying, MSc Construction Management, PhD Construction Management, FAarb (SA):



Professor Harinarain is an Associate Professor at the School of Engineering at the University of KwaZulu-Natal. The research conducted by Dr Harinarain focuses on the areas of Sustainable Development, Construction Management, Quantity Surveying, Construction Education, and Construction Health and Safety. Her research is informed by a strongly interdisciplinary approach addressing critical problems for the South African construction industry and society. She has won numerous academic awards, some of which include Best Lecturer Awards, JW Nelson Fund Research Productivity Awards, and Certificate of Achievement for Excellence: Teaching and Learning from the

Women in Engineering. She has contributed significantly to various papers and journals and has presented at local and international conferences. Prof Harinarain is registered with The South African Council for the Project and Construction Management Profession (SACPCMP), a member of the Chartered Institute of Builders (CIOB) and Association of South African Quantity Surveyors (ASAQS), ESR member of South African Council for the Quantity Surveying Profession (SACQSP) and a Fellow of the Associate of Association of Arbitrators (Southern Africa) NPC.

Mr Peter Barnard, LLB (UKZN):



Peter is a lead partner in the construction and engineering law arena. He has practised as an admitted attorney in South Africa since 2012 and has become an industry leader in construction and procurement dispute resolution, both in litigation and alternate dispute resolution forums.

Peter handles commercial litigation and specialises in procurement and built environment disputes. He has handled disputes arising from a wide range of construction and engineering projects across Africa. His clients include Engineers, Architects, Developers, Consultants, Contractors, Sub-contractors, and Suppliers. He has represented clients in litigation, arbitration and adjudication proceedings relating to

building, engineering and commercial contracts and insurance contracts. Additionally, he has developed a specialisation in procurement law and represents and assists Consultants and Professionals in completing tenders, reviewing contractual conditions, contract risk assessments and claims formulation, as well as contract and project negotiations with employers. Peter frequently represents clients in tender appeals and deals with enforcing dispute resolution awards, seeking payment of outstanding payment certificates, and calling up performance and payment guarantees.

As a result of his expertise, Peter is a recurring guest speaker at the Association of Arbitrators (Southern Africa) NPC and frequently presents to the Master Builders Association; the Association of Quantity Surveyors; the Association of Architects and he is a member, and recently appointed Chairperson, of the Joint Building Contract Drafting Committee. Peter is now one of the most widely recognised lawyers dealing with the ongoing challenges of business forums and other site disruptions as experienced by the built environment industry. Peter has also been recognised by Best Lawyers^{®2} over the past few years.

Ms Claudelle Pretorius, LLB (UKZN):



Claudelle was admitted as an attorney in 2019 and made partner at Cox Yeats in 2022. She has considerable experience and exposure in Construction, Engineering, and Infrastructure law and is well-versed in Procurement Law, Employment Law and Commercial Litigation.

Her track record includes representing both local and international clients including employers, building contractors, subcontractors, professionals and developers in complex adjudication, arbitration, and litigation proceedings that arise from the JBCC, NEC, GCC, and FIDIC suite of contracts and bespoke contracts.

² Best Lawyers[®] publishes top talent in over 70 countries and is considered the most respected peer-review title in the legal profession.

DATE: Thursday, 12 October 2023

TIME: 14:00 to 17:00


VENUE: Zoom and in person at Cox Yeats Attorneys
45 Vuna Close, Umhlanga Ridge, KwaZulu-Natal, 4319
NOTE: Seats are limited for attendance in person!

LINK: The Zoom link will be emailed to you if you indicate that you will attend via Zoom in the Registration Form and upon receipt of payment.


COST (incl. VAT): AoA members: R 200.00
Non-members: R 300.00

RSVP BY: Wednesday, 11 October 2023
Please send your completed [Registration Form](#) to our Financial Manager **Michelle Venter** at michelle@arbitrators.co.za


THEY SAID WHAT?



"This is an annual (afternoon) event used by the KwaZulu Natal Branch for fundraising. Construction is a traditionally large constituency of the AoA so the focus on construction and the use of the expertise available for the three-hour session was certainly appropriate and of value to the membership. The Zoom presentation meant instant participation and availability for the whole of the AoA's membership."



"I appreciate the fact that the presenters not only refer to legislation or cases but also discuss it and its relevance to the topic."



"This was an excellent workshop. The presenters were well prepared and imparted knowledge of great value. Thanks for an informative presentation."



"Overall an excellent investment to me, as Engineers we tend to overlook some of the clauses in the contracts and this has refreshed my understanding on how important it is, to stay up to date with Contractual Legal requirements."