

ASK EXPERIENCED PRACTITIONERS

Association of Arbitrators (Southern Africa) NPC

Hybrid Workshop
3 June 2026



Construction Conundrums

Join us for this important hybrid workshop, presented by our KwaZulu-Natal regional committee, under the chairmanship of **Mr Alastair Hay**, as part of the Association's ongoing mission to provide regular upskilling opportunities for everyone interested in Alternative Dispute Resolution (ADR).

ABOUT THE WORKSHOP:

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

- ✓ Powers of an Arbitrator: can an Arbitrator decide the validity of a public procurement contract?
- ✓ In NEC 3 - Option W1, from when does the Adjudicator's four weeks start for delivering his/her determination and what if he/she presents it after the due date?
- ✓ Fraud Unravels Everything: do Arbitration clauses survive contract invalidity?
- ✓ Claims under GCC 2025;
- ✓ Middle East issues: effect on costs, who is liable?

ABOUT OUR PRESENTERS:

Mr Richard Hoal, LLB; B.Soc.Sc; AAarb:



Richard is a premier South African attorney and a cornerstone of the legal landscape. As co-head of the Construction, Engineering and Infrastructure team and the Insurance team at Cox Yeats, he brings over 28 years of specialised experience. He has cultivated a unique dual-speciality, balancing the technical intricacies of project development and construction with high-stakes insurance casualty claims and professional indemnity work. Richard's practice encompasses the full lifecycle of major infrastructural projects. He is a trusted advisor to employers, contractors and subcontractors, providing expert guidance on contract negotiations and risk assessments while navigating complex frameworks like NEC3 and GCC 2010. His project development experience includes advising on massive builds such as the R6b Ingula Hydro Power Project and the Durban Soccer Stadium. Regarding claims formulation, he assists in technical development and represents clients in multi-million Rand/Euro litigation and arbitration. His inquiry representation includes a significant track record investigating structural collapses and appearing in formal inquiries under the Occupational Health and Safety Act. A dedicated leader in the ADR space, Richard is an **Associate** and a Committee Member of the Association of Arbitrators (Southern Africa) NPC. He conducts adjudications and arbitrations across construction law and professional indemnity. His international reach is furthered by membership of the International Bar Association Committee on International Construction Projects. Richard's reputation as a top-tier litigator is reflected in his recognition as Construction Lawyer of the Year (South Africa) by Best Lawyers, Global 100, and Corporate INTL. He maintains top rankings in Chambers and Partners, Legal 500, and Global Law Experts for excellence in construction and insurance work, alongside long-service as a Small Claims Court Commissioner.

Mr Johan Richards, BSc QS; LLM; FAArb:



Johan is an exceptionally seasoned Professional Quantity Surveyor, Arbitrator, Adjudicator, and Mediator, offering over 30 years of comprehensive expertise within the construction and legal sectors. As a dual-qualified expert holding an LLM in Construction Law and Arbitration (passed *Cum Laude*) from Robert Gordon University and a BSc in Quantity Surveying (Honours) from the University of Pretoria, Johan bridges the gap between technical construction financial management and complex legal dispute resolution. He currently serves as the CEO of Bingelela Consulting Professionals (BCP), where he directs specialist procurement processes, asset condition assessments, and high-level contract management. His leadership extends to multiple directorships and board positions, including Chairman of the Palm Lakes Homeowners Association and Trustee at the Simbithi Office Park. Notably, Johan is a distinguished **Fellow** and a committee member of the Association of Arbitrators (Southern Africa) NPC, reflecting his status as a leading authority in ADR. With over 17 years of dedicated experience in ADR and 20 years in contract management, he is a specialist in navigating and drafting bespoke construction suites, including JBCC, NEC 3 and 4, GCC 2015, and the FIDIC Red Book. His professional standing is further reinforced by his international experience in the United Kingdom and his status as a Registered Professional Quantity Surveyor (Pr.QS) since 1994. Johan is a Professional Member of the SA Council of Quantity Surveyors, the Association of Quantity Surveyors (PMAQS), and the Royal Institute of Chartered Surveyors (PMRICS). His skill set encompasses expert contract negotiation, strategic communication and advanced problem-solving. By combining academic excellence with decades of site-based and executive experience, Johan provides unparalleled insight into construction dispute resolution, project viabilities, and cost life cycle management across Southern Africa.

Prof Nishani Harinarain, BSc Quantity Surveying, MSc Construction Management, PhD Construction Management, FAArb (SA):



Prof Harinarain is an Associate Professor at the School of Engineering at the University of KwaZulu-Natal. The research conducted by Prof 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 Association of Arbitrators (Southern Africa) NPC.

Mr David Vlcek, LLB; AAArb:



David is a highly distinguished Partner at Cox Yeats, specialising in the complex intersection of Construction, Infrastructure and Insurance Law. Admitted as an Attorney, Notary, and Conveyancer in 2007, David holds an LL.B. (*summa cum laude*) from the University of KwaZulu-Natal. His professional pedigree includes experience at a prestigious international firm in London, which informs his global perspective on high-stakes litigation and contractual advisory. David is a recognised authority on insurance law within the built environment, focusing on professional indemnity, public liability, and occupational health and safety (OHS). His extensive portfolio includes acting for insurers and main contractors in South Africa's most high-profile construction disasters, such as the Tongaat Mall, Grayston Drive bridge, and the George apartment block collapses. Beyond disaster response, David is a strategic advisor on massive infrastructure projects, including the R500m national multi-product pipeline and R1.1b road rehabilitation tenders. He is an expert in drafting and negotiating industry-standard agreements such as JBCC, NEC3, GCC and FIDIC, as well as specialised EPC and O&M agreements for the renewable energy sector, including the Cookhouse Windfarm and various photovoltaic projects. Voted South Africa's top construction lawyer by ILO Lexology in 2015 and 2017, David is consistently ranked in "Best Lawyers", Chambers Global, and the Legal 500 (2025/2026). He frequently shares his expertise through training seminars for national insurance bodies, bridging the gap between technical legal requirements and practical industry application. David is an **Associate** of the Association of Arbitrators (Southern Africa) NPC.

Mr Peter Barnard, LL.B:



Peter is a distinguished Partner at Cox Yeats, specialising in construction, engineering, and infrastructure law. With an LL.B. and over a decade of experience since his admission as an attorney in 2012, Peter has established himself as a leading South African legal authority and industry expert. His practice encompasses commercial litigation, procurement law, tender appeals and alternative ADR, including arbitration and adjudication. He is widely recognised for his pragmatic approach to contract interpretation, risk mitigation and dispute avoidance across the African continent, serving a diverse clientele of developers, engineers, architects and major contractors. Notably, Peter serves as the Chairperson of the Joint Building Contracts Committee (JBCC) Drafting Panel, directly influencing South Africa's construction contract standards. He is a prolific contributor to the field, co-authoring the 'Practical Guide to Administering Construction Contracts' (2025) and the South African chapter of the 'International Comparative Legal Guide – Construction and Engineering Law 2025'. His industry leadership is further evidenced by his reputation as an engaging speaker for the Association of Arbitrators (Southern Africa) NPC and the Master Builders Association (MBA). He famously coined the term "construction mafia" in 2017 after pioneering interdict proceedings against business forums. His accolades include consistent recognition by Best Lawyers® (2022–2026) and Legal 500 (2024–2025), where he is cited as a Practice Leader. Peter's notable portfolio includes high-stakes international arbitrations in Kenya, Zambia and Zimbabwe, advising on significant infrastructure projects like the Dr Pixley Hospital and multimillion-Dollar industrial developments. His deep technical mastery extends to JBCC, FIDIC, GCC, and NEC3 contract suites, making him a vital asset for complex regulatory and built-environment advisory.

DATE: **Wednesday, 3 June 2026** **TIME:** **14:00 to 17:00**

VENUE: Zoom or 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: **Tuesday, 2 June 2026**
Please send your completed [Registration Form](#) to our Financial Manager, **Michelle Venter**, at michelle@arbitrators.co.za

PREVIOUS WORKSHOP COMMENTS

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."





"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."



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