

ASK EXPERIENCED PRACTITIONERS

Association of Arbitrators (Southern Africa) NPC

Workshop
In-person and Online



Construction Conundrums

Join us for this important workshop on 30 October 2025, 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:

- ✓ Consultants' fee claims – value versus time-based fees;
- ✓ The right to an expeditious hearing in construction disputes from principle to practice;
- ✓ The quantification of prolongation costs;
- ✓ Technology and dispute resolution – are we ready for AI-assisted decision-making?
- ✓ Are there limits on the Engineer's right to give a notice of rejection in terms of clause 7.5 of the FIDIC Red Book?

ABOUT OUR PRESENTERS:

Mr Peter Barnard, LLB (UKZN):



Peter is a lead partner in the construction and engineering law arena at Cox Yeats Attorneys. 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 alternative 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®¹ over the past few years.

Mr Mohamed Mota, LL.M:



Mohamed is a partner in the Cox Yeats construction team. He is a litigation and dispute resolution practitioner, specialising in disputes in court, arbitration, appeal and tribunal proceedings. Mohamed's primary areas of practice are in administrative law, public procurement law, construction law, energy law, environmental law and town planning related issues.

Mr Richard Hertz, PrTechEng MSAICE FAArb:



Richard is an engineer by profession whose work experience is rooted in the construction industry. He started with Concor in 1981 where he worked his way up from a trainee civil engineering technician to the position of Managing Director of Concor Coastal. He studied Civil Engineering at what is now the University of Johannesburg and qualified with a National Higher Diploma (Civil Engineering) in 1984. He went on to specialise in structural engineering, attaining his M.Dip(Tech) in 1986. In 1991 he registered with the Engineering Council of South Africa as a PrTechEng. He subsequently completed the [Certificate Course](#), the [Fellowship Course](#) and the [Specialisation in Construction Law Course](#) with the [Association of Arbitrators \(Southern Africa\) NPC](#) ("the Association"). He is a [Fellow](#) of the Association and is also a member of the South African Institute of Civil Engineers where he serves on the panel of adjudicators and arbitrators.

Dr 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 Association of Arbitrators (Southern Africa) NPC.

Ms Micaela Brown, LL.B LL.M:



Micaela is an Associate at Cox Yeats. Her current practice involves advising clients in the construction, infrastructure, engineering and insurance sectors in both private dispute resolution forums and the High Court. Part of her practice involves the enforcement of building industry specific contracts including JBCC, NEC3, GCC and FIDIC agreements. Her experience in insurance litigation includes handling public liability and construction-related claims, as well as providing input to various claims teams regarding policy responses to claims.

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

- LINK:** The recording link will be emailed to you upon receipt of your completed [Registration Form](#) and upon receipt of payment.
- COST (incl. VAT):** AoA members: R 200.00
Non-members: R 300.00
- RSVP BY:** 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."

