



Richard Hoal (Cox Yeats)



Lara Gracie (Redefine Properties) & Theresa Terblanche (Broll Property Group)



Howard Schwegmann (Steffanutti Stocks), Queen Mjwara (Eris), Pieter Boorsma (BPH Engineering)



Bruce Ross (AECOM), Frank Reardon (Broll Property Group), Akash Maharaj (JHI)



Vanessa Blevins (Growthpoint) & Linda Ness (Linda Ness Associates)



Richard Beck (Focus Property)



Bruce Ross & Evan Sim (AECOM)



Daniels Pentasaib (Ethekwini Municipality)

# Special Industry Groups Breakfast in KZN

Thirty of KwaZulu-Natal's leading property developers, construction companies and industry professionals gathered at Umhlanga's Oyster Box Hotel in May to listen to leading South African attorney Richard Hoal speak on construction disasters, at a Special Industry Groups (SIGS) breakfast organised by the Kwazulu-Natal Chapter of the SACSC. The event was sponsored by Trak Construction and Mandulo Retail Developers.

Hoal, who is an expert on construction disasters, also heads the Construction, Engineering and Infrastructure Law team at Durban-based Cox Yeats Attorneys. He has been involved in two Commissions of Inquiry in the past three years: the inquiry into the November 2013 Tongaat Mall collapse which killed two people and injured 29 others, and more recently into the October 2015 Grayston Bridge collapse in Sandton which also resulted in two fatalities.

A day after Hoal's presentation at the SACSC SIGS in Durban, it was reported by local media that Labour Minister Mildred Oliphant had announced in Cape Town that the Department of Labour had completed its report and would be recommending prosecution for those found responsible for the part collapse of the R208 million Tongaat Mall, and that the matter was being referred to the National Prosecuting Authority (NPA) for further consideration. In its as yet unreleased report the Department of Labour has purportedly said that the developer contravened the National Building Regulations & Building Standards Act by beginning construction before getting approval from the local authority, as well as the Occupational Health & Safety Act by failing to act, and in doing so causing injury and death.

Hoal advised the group that although no-one in South Africa had previously received a jail sentence for any past construction disasters,

it was likely that the Department of Labour and the NPA would take a much tougher stance going forward. He said that in addition to building contractors, company owners and managing directors, the professionals involved in any such disaster were also at risk of being found both criminally and civilly liable in future cases, and could potentially face jail time over and above paying admission-of-guilt fines.

In conclusion, Hoal spoke of the severe reputational and financial disaster that follows any company or professional facing a construction disaster. He said that the only way to mitigate such possible damages and avoid possible criminal prosecution would be to ensure compliance with National Building Regulations and to give 100% real focus and priority to Occupational Health & Safety - and not just pay lip-service in this regard. In addition, a full professional team should always be in place and all parties should have

written, signed contracts defining each parties' scope of work, and the full extent of their roles and responsibilities. Lastly, all stakeholders needed to ensure that adequate insurances and public indemnities were in place.

Attendance at the event was by invitation only. Special Industry Groups is an initiative originally created by the ICSC (International Council of Shopping Centers) to give members with similar professional specialities, the opportunity to exchange insights and ideas and to keep themselves informed about current developments in our industry. The SACSC has now introduced this networking platform, for various special industry groups such as centre managements, leasing, operations/facilities management, marketing etc. Through participation in SIGS, industry members can assist in designing, what in essence are small professional networks within the broader SACSC membership.



Pieter Boorsma (BPH Engineering) & Frank Reardon (Broll Property Group)



Sanky Pillay (SFM Group)



Edward Protheroe (Trak Construction), Iwona Bazylko (Tower Bridge Projects) & Richard Hoal (Cox Yeats)



Siyabonga Temebe & Solly Pillay (Edison Property Group)



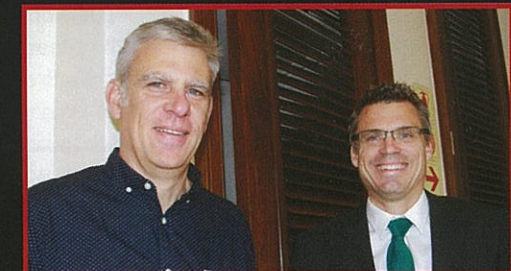
Sim Mapu & Nwabisa Ngcezu (Mandulo Property Partners)



Lisette Keightley (Betts Townsend) & Ishara Govender (The Pavilion)



Nazrana Premall (Growthpoint Properties)



Quinten Warmbeck (G5) & Richard Hoal (Cox Yeats)