

JANELLE PAYNE

LLM., GRAD. DIP. LEGAL PRAC., LLB., B.ARTS (MEDIA STUDIES)

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CURRICULUM VITAE

PROFILE

- **Respected barrister** with successful insolvency and commercial practice.
- **13 years PAE:** Barrister for past 8 years (called to the private Bar in 2008); Solicitor for 5 years, including as Senior Associate at Minter Ellison.
- Leadership roles on management committee of the Women Lawyers Association of Queensland (Treasurer) and the Queensland Law Society Litigation Rules Committee.
- **Finalist, Queensland Emergent Woman Lawyer of the Year (WLAQ, 2006).**
- **Mentoring.** Successfully **established the WLAQ Ladder Program** for the Women Lawyers Association of Queensland, a formal scheme for mentoring of young female lawyers. That program is now in its 8th year.
- **Accomplished presenter and public speaker.** Published articles in Proctor and presenter at Legalwise and LexisNexis conferences.
- **Highly skilled** in strategic decision-making and influential communication, leading teams to achieve deadlines, Rules of Evidence, presenting facts in a persuasive way (written and oral correspondence and submissions).
- **Commercial acumen.** Successful own practice for past 8 years plus other successful business ventures.
- High-level **insolvency knowledge** and proficiency with financial reports, including through being briefed on behalf of forensic accountants and insolvency practitioners and cross-examining experts.
- **Project and technology management**, including website for Burnett Lane Chambers www.burnettlanechambers.com.

QUALIFICATIONS

- **Called as a Barrister**, February 2008 (Queensland and Commonwealth)
- **Bar Practice Course** (Queensland University of Technology, 2008)
- **Master of Laws** (Queensland University of Technology, 2006)
Grade Point Average: 7.0 on a 7-point scale (High Distinction)
- **2005-2006 Queensland Emergent Woman Lawyer of the Year, finalist**

- **Solicitor of the Supreme Court of Queensland**, 12 December 2002
- **Solicitor of the High Court of Australia**, 2002
- **Graduate Diploma (Legal Practice)** (Queensland University of Technology, 2002). Grade Point Average: 7.0 on a 7-point scale (High Distinction) (96%).
- **Bachelor of Laws/ Bachelor of Arts (Media Studies)** (Queensland University of Technology, 2001)

PROFESSIONAL MEMBERSHIPS

Bar Association of Queensland, Member (since 2008)

Women Lawyers Association of Queensland, Executive Committee Member (2003-2011), Current Member

Queensland Law Society, Litigation Rules Committee Member (2007-2011), Member (since 2002)

Arts Law Queensland, Volunteer legal adviser (2003-2008)

PROFESSIONAL EXPERIENCE

Since February 2008 (Current)

Barrister-at-Law
Burnett Lane Chambers

Commercial and insolvency litigation, primarily in:

- corporate insolvency and bankruptcy
- corporations law
- contracts
- trusts/superannuation and managed investment schemes
- property development and property law

Also proficient in general civil litigation and administrative law including:

- appeals
- building and construction
- civil procedure;
- consumer law
- credit law (incl charges and retention of title)
- debt recovery
- disciplinary proceedings
- equity/trusts
- evidence
- family provision
- fertility law
- franchising and intellectual property
- insurance/professional indemnity
- judicial review
- mediations

- powers of attorney and guardians
- retirement villages
- securities and managed investments
- torts
- trade practices
- wills and estates (succession)

Recent case highlights

- Urgent Application to Supreme Court on behalf of Bank-appointed receivers to appoint replacement trustee upon automatic termination of insolvent trustee.
- Complex advice to mortgagee concerning indefeasible title.
- Acting on behalf of significant corporation in a dispute about charges and retention of title, concerning \$4M in assets.
- Successful appeal to the Full Federal Court on a s1321 *Corporations Act* matter. *Promoseven Pty Ltd v Markey, in the matter of Bluechip Development Corporation (Cairns) Pty Ltd (in Liquidation)* [2015] FCAFC 12.
- Successful appeal to the Court of Appeal against refusal of Supreme Court to set aside deed of company administration: *Promoseven Pty Ltd v Prime Project Development (Cairns) Pty Ltd (Subject to a Deed of Company Arrangement)* 2 Qd R 317; [2013] QCA 405 and [2014] QCA 024 (costs).
- Numerous successful applications to set aside a statutory demand (Supreme Court).
- Defending disciplinary proceedings for insolvency practitioners.
- Urgent advices concerning caveats and land title issues.
- 3-day trial successfully defending claims of oral or implied contract and estoppel; also involving construction of the *Queensland Building Services Authority Act 1991* and limitation issues: *Foyle Enterprises Pty Ltd v Steve Parcell Building Services Pty Ltd* [2015] QDC 225.
- Successful written submissions to Superannuation Complaints Tribunal to have a death benefit paid to same-sex de facto spouse where family refused to acknowledge relationship: *Superannuation Complaints Tribunal Determination Number: D13-14*.
- Counsel in the landmark (and internationally reported) case in which the entitlement of a couple in a same sex relationship to be named on a birth certificate was first judicially recognised in Queensland: *A & B v C* [2014] QSC 111.
- Conduct of hearing relating to deed of company administration: *Promoseven Pty Ltd v Prime Project Development (Cairns) Pty Ltd* [2013] QSC 222.
- Conduct of hearing involving appeal against decision concerning proof of debt: *Promoseven Pty Ltd v Markey* [2013] FCA 1281.

- Appointment of a statutory trustee under s 38 Property Law Act 1974 (Qld) in an acrimonious sibling dispute *Morgan v Penzes* (unreported, Supreme Court of Queensland, Appelgarth J, 12 June 2013).
- Conduct of lengthy trial on insolvency in Supreme Court of Queensland: *Promoseven Pty Ltd v Bluechip Development Corp (Qld) Pty Ltd* [2011] QSC 368.
- Junior counsel in one of the leading cases concerning the interpretation of the *Retirement Villages Act 1999*: *Jomal P/L v Commercial and Consumer Tribunal* [2009] QCA 326.
- Junior counsel in of leading cases concerning the conduct of arbitration and an arbitrator's powers: *Yarraman Pine P/L v Forestry Plantations Queensland* [2009] QCA 102.
- Junior Counsel in a lengthy trial concerning a bank and serious allegations by its customer: *Rodgers and Anor v Australia and New Zealand Banking Group Limited* [2009] QSC 86.
- Junior Counsel in one of leading cases for apportionment of costs (the plaintiff was successful on four of its six claims): *Cook's Constructions Pty Ltd v Stork Food Systems Australia Pty Ltd* [2008] QSC 220.
- Counsel in leading case concerning consolidation of proceedings: *Rodgers Family Investments Pty Ltd v Australia and New Zealand Banking Group Ltd* [2008] QSC 085.
- Successfully settled many cases (including at mediation) concerning consumer law, property law, family provision, debt recovery, director's duties, corporate responsibility, insolvency and trade practices.

Specific skills

- Autonomous **decision-making and litigation advice** in highly critical situations, including assessment of prospects.
- Highly skilled in drafting and settling **pleadings** (of all levels of complexity).
- Evaluating and settling **expert reports, affidavits** and highly-litigious **correspondence**.
- Definitive and accurate **advice**, including on urgent or complex matters.
- **Court appearances** and advanced knowledge of **Rules of Evidence and UCPR**.
- **Prompt service delivery and client communication**.
- **Strategic leadership and day-to-day management** (leading litigation team of senior and junior lawyers/instructing solicitors, managing team of secretaries within chambers).
- **Influential communication** (written and oral submissions and advocacy).
- **Project management of chambers website** and IT consultant.
- **Practice-management** (budgets, financial reporting, fiscal management).
- **Exceptionally high-level research skills** (legal research on a day-to-day basis in order to draft Opinions and prepare submissions).

Since July 2016

Founder and managing director

Brain Foodz, maker of Space Paste, a nut-free protein spread for Kids' lunches.



Since December 2012

Equity shareholder, Xpresso Mobile Café

National market leading mobile coffee franchise system.

Exclusive licensing agreement with Di Bella Coffee to use award-winning premium espresso coffee products and associated branding.

Skills

- **High-level business management and development** (strategic decision making along with directors as business built from ground-up to over 34 coffee vans in less than 3 years)
- **Company secretarial**
- **Overseeing compliance (contracts, reports, manuals and policies)**
- **Graphic design, Microsoft Word, Excel, Powerpoint, MYOB**

April 2004 – December 2007

Senior Associate (appointed 1 July 2006)

Minter Ellison

Expertise

Property, Corporate & Financial Litigation and Insolvency

(including banking and finance litigation, property and retirement village litigation, equitable claims, security enforcement, trade practices, directors' duties and insolvency litigation).

On track for partnership but elected to pursue ambition to go to the Bar

Contributions

- Built-up and managed property litigation practice in Brisbane office;
- Member of Continuing Professional Development Committee;
- Precedent development;
- Presentation of internal and external seminars;
- Mentoring and coaching of junior lawyers (two senior lawyers, two second year lawyers, two first year lawyers and three research clerks);
- Assisting with graduate recruitment, supervisor for all vacation clerks.

December 2001 – March 2004

Articled Clerk, Solicitor (admitted 12 December 2002)

Nicol Robinson Halletts

Expertise

Corporate and Commercial Litigation, including franchising litigation

2001

Work Experience

Legal Aid Queensland, Victims of Crime Compensation

PERSONAL DRIVE

- Devised and established the **WLAQ Ladder program** for the Women Lawyers Association of Queensland, a formal scheme for mentoring of women entering the legal profession. That program is now in its 8th year.
- In September 2016 undertake two-week mission trip to Cambodia and Thailand with **Destiny Rescue** (organisation rescuing girls from human trafficking)

SEMINARS AND PUBLICATIONS

I have published a number of articles, including in the Queensland Law Society magazine (Proctor), and have presented conference papers and seminars on aspects of commercial law and Court procedure, including:

- Expert Panel member, MinterEllison National Leasing Update Seminar Series: Alternative Dispute Resolution (Brisbane, 19 October 2016);
 - 'Setting Aside a Deed of Company Arrangement': Proctor, September 2016, - 32-33.
 - Seminar: Debt recovery for early career lawyers: Queensland Law Society, 16 March 2011 (Law Society House, 16 March 2011).
 - 'Fast and the Furious: A tale of unfair preferences': Proctor, September 2009, 29-32.
 - Conference Paper 'Maximising your impact with opening and closing statements', LexisNexis 4th Annual Cutting Edge Practical Advocacy Skills Conference (February 2009, Stamford Plaza).
 - Back to Basics: 'Applying to make an individual Bankrupt': Proctor, 2009.
 - Back to Basics: 'Applying to wind up a Company', Proctor, 2009.
 - Conference Paper, 'Recent CCT Decisions and what they mean for the [Retirement Village] Industry', Retirement Living Seminar, Ramada Pelican Waters, May 2007.
 - Seminar Paper: 'The Legal Meanings of Without Prejudice' March 2007.
 - Seminar Paper: 'Equitable interests and exceptions to indefeasibility', March 2007.
 - Seminar Paper: 'Disputes arising from disclosure and relocation', February 2007.
 - 'Loss of Tenant's Option to Renew A Lease, Proctor 2006.
 - Conference Paper: Retail & Commercial Leases – 'Advice to Landlords: Unconscionable Conduct', Legalwise, September 2006.
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MORE INFORMATION

Webpage: <http://www.burnettlanechambers.com.au/barrister/janelle-payne/>

LinkedIn: <https://www.linkedin.com/in/janelle-payne-a9389996>

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