



JANELLE KERRISK

Experience

EDUCATION & TRAINING

- ✔ Working with local governments to inform them of the changing legal landscape and identifying the challenges particularly in relation to the implementation of the *Building Industry Fairness (Security of Payments) Act (QLD) 2017 (BIFA)*.
- ✔ Regular education and training for engineering firm around the operation of security of payment.
- ✔ Various seminars focused on licensing, registration and government policy and procedure, including:
 - Understanding adjudication presented in conjunction with Michael Chesterman;
 - Payment schedule workshop to bring about key improvements to standard schedule and optimal use by client's team;
 - Quarterly SOP update to client project managers; and
 - Effective use of contractual notices and interaction with SOP obligations.

CONTRACTS

- ✔ Acting for body corporates in the preparation of contract risk reviews.
- ✔ Acting for contractors in back to back suites for high value projects.
- ✔ Advising on negotiating and assisting to implement procedures to meet the full range of Australian Standard Contracts.
- ✔ Advising on licensing and registration requirements under the regulatory regime in Queensland when contracting.
- ✔ Giving advice and recommendations to new entrants to the construction industry.
- ✔ Advising a global engineering company on registration and licensing requirements in Queensland.

EXPERTISE

Janelle is the Chief Executive Officer of Helix Legal with a firm legal background as a construction and infrastructure lawyer for the past 14 years.

Janelle has a broad experience providing both front end and back end services to the construction industry including along all levels of the contractual chain and in the public and private sectors. Janelle provides strategic project delivery and operational advice to support clients through difficult phases of construction.

Janelle acted for construction industry regulators in Queensland for over a decade providing advice and support in the development and implementation of legislation and policy impacting the construction industry. She has represented state government departments, statutory bodies and government owned corporations in:

- ✔ providing advice;
- ✔ negotiations;
- ✔ risk recovery;
- ✔ administrative review matters; and
- ✔ policy advice.

Her commercial strength is in advising and supporting clients through dispute resolution in all forms including security of payment adjudication, arbitration, litigation and. Janelle is a strategic thinker and meticulous in the execution of complex construction industry disputes. She has particular experienced focused on delay and disruption claims, latent conditions, changes in scope and variations, termination, defects and calls on security. Since founding Helix Legal she has supervised teams to undertake:

- ✔ Multi party litigation under the *Subcontractors' Charges Act 1974 (Qld)*;
- ✔ International Chamber of Commerce Arbitration; and
- ✔ Complex applications and responses under the *Building and Construction Industry Payments Act 2004 (Qld)*.

QUALIFICATIONS | MEMBERSHIPS

- ✔ Admitted as a solicitor of the Supreme Court of Queensland, 2003
- ✔ Bachelor of Laws, James Cook University, 2002
- ✔ Graduate Diploma Legal Practice, Queensland University of Technology
- ✔ Member, Queensland Law Society
- ✔ Former President, National Association of Women in Construction (NAWIC)
- ✔ Company Directors' Course, Australian Institute of Company Directors, 2013
- ✔ Corporate Member, Master Builders Queensland
- ✔ Program Board Member, Master of Legal Business, College of Law
- ✔ Member, North Qld Civil Construction Association Inc.





JANELLE IS PASSIONATE ABOUT FINDING NEW AND BETTER WAYS FOR HELIX AND ITS CLIENTS

LICENSING & REGULATION

- ✔ Advising new entrant to the Queensland construction industry on licensing and regulatory obligations specific to Queensland.
- ✔ Advising contractor on changes to business required in light of the reform of security of payment legislation in Queensland and new compliance obligations.
- ✔ Assisting contractor to implement new practices to advance its licence class.
- ✔ Advising overseas subcontractor on obtaining a licensing for works in the construction of a wind farm in Queensland.
- ✔ Over a decade of providing legal support to Queensland's construction industry regulators:
 - Advising Queensland Building and Construction Commission and its predecessors, as to the operation of the Queensland Home Warranty Scheme, conducting reviews of all reviewable decision under s86 of the *Queensland Building and Construction Commission Act 1991* and managing cases involving appeals of administrative decisions.
 - Providing high level advice to the Department and the Minister on issues relevant to matters under review before the Queensland Civil and Administrative Tribunal and its predecessors.
 - Prosecution of unregistered engineers on behalf of the Board of Professional Engineers.
 - Disciplinary actions on behalf of the Board of Professional Engineers.
 - Advice and support to Board of Architects.
- ✔ Assisting and advising a statutory board regarding amendments to its governing act and development of policy.
- ✔ Assisting in the development of statutory notice suites for a regulator.
- ✔ Acting for a regulatory board in conducting and supervising disciplinary matters and prosecutions, resulting in penalties of over \$770,000.
- ✔ Acting for a state government board in prosecuting 146 offences against the Professional Engineers Act.
- ✔ Advocating for state government boards in significant trials before the Queensland Civil and Administrative Tribunal and its predecessors.
- ✔ Advising a statutory board regarding amendments to its governing act and development of policy.
- ✔ Acting for a state government regulatory board in bringing bankruptcy proceedings in respect of unpaid orders for penalty and costs.
- ✔ Drafting response to discussion papers around SOP reform in Queensland.

ADJUDICATION | SECURITY OF PAYMENT

- ✔ Acting for a subcontractor in the preparation of claims for substantial variations and delay regarding a major shopping centre redevelopment and representing the subcontractor at adjudication.
- ✔ Advising and representing a contractor in the successful challenge in the Supreme Court of Queensland of an adjudication decision obtained by an unlicensed subcontractor.
- ✔ Representing a hotel chain as the respondent in numerous adjudications under security of payment legislation.
- ✔ Acting for respondent contractor to challenge an adjudication decision for jurisdictional error.
- ✔ Acting for an electrical subcontractor in a claim under the *Building and Construction Industry Payments Act 2004 (Qld)* for early works power to mine site.
- ✔ Acting for a contractor ambushed with multiple adjudication application from the same subcontractor across various projects.
- ✔ Strategic advice in the preparation of payment schedules for an infrastructure project experiencing major delay.
- ✔ Acting for both claimants and respondents in hundreds payment disputes under security of payment legislation since the introduction of the legislation in 2004.

ARBITRATION

- ✔ Advising on enforcement of arbitral award.
- ✔ Pre-arbitration advice to engineering company.
- ✔ ICC construction arbitration on behalf of international Contractor.
- ✔ International Chamber of Commerce Rules advice.
- ✔ Domestic arbitration of a construction dispute about a claim for defect rectification.

LITIGATION

- ✔ Acting for a group of subcontractors in commencing proceedings under the *Subcontractors' Charges Act 1974 (Qld)*.
- ✔ Advising and representing a national contractor in Supreme Court litigation regarding a LNG project.
- ✔ Advising a government owned corporation through a dispute with a non-performing contractor and avoiding litigation while remedying non-performance.
- ✔ Representing a consortium of overseas companies in Supreme Court litigation.
- ✔ Advising a contractor in recovery of delay and disruption claims.
- ✔ Acting for a contractor in a dispute regarding a call on security and allegations of defects.
- ✔ Acting for a superannuation fund in Supreme Court litigation regarding the collapse of a major structural retaining wall.
- ✔ Acting for major contractors in various originating applications seeking urgent injunctive relief in the Supreme Court.
- ✔ Acting for and against in applications for injunctions to restrain recourse to security.
- ✔ Applying for enforcement warrants for the seizure and sale of property and instructing in public examinations.
- ✔ Acting for subcontractors, contractors and developers to recover monies outstanding including, where appropriate, by the issuing of statutory demands, commencing proceedings, through adjudication or commercial negotiation.

