

Janet McDonald

Barrister at Law

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Curriculum Vitae

Professional Qualifications

1989 Admitted to the Roll of Solicitors in the Supreme Court of New South Wales

2007 Admitted to the New South Wales Bar Association

Education

1989 Bachelor of Laws, University of Adelaide

1989 Certificate of Practical Legal Training (College of Law)

Brief Professional Experience

1989 Paralegal, Westgarth Baldick

1990-1993 Solicitor, Corrs Chambers Westgarth

1993-1999 Director, Shareholder and General Manager of Driscoll and Matters Pty Limited, Legal Costs Consultants

2002 Tutor in Business Law, The University of Sydney

2003-2004 Solicitor Director and Shareholder of Driscoll, Matters + McDonald, Legal Costs Lawyers

2004-2006 National Knowledge and Costs Consultants Manager, DG Thompson, Driscoll + Matters Pty Limited, Legal Costs Lawyers and Consultants

2007 Director, Shareholder and Costs Consultant, Fairshare Pty Limited trading as Roland Matters, Legal Costs Consultant

2007 to date Barrister-at-Law

Principal Areas of Practice

Commercial, Class Actions, Legal Costs, Administrative Law, Equity, Industrial, Work, Health and Safety prosecutions, Appeals

Professional Associations

Member of the NSW Bar Association's Costs and Fees Committee

Overview

I commenced my life in the law as a litigation solicitor with Westgarth Baldick, the Sydney ancestor of Corrs Chambers Westgarth. Thereafter I worked as a legal costs consultant/lawyer for around 15 years, initially with Sydney's original cost consulting firm, Driscoll & Matters and later with DG Thompson. I was called to the Bar in 2007 where, due to my background, disputes involving legal costs have comprised a sizeable component of my otherwise diverse

practice. I have had considerable involvement in significant class actions, both as an advocate and as a 'behind the scenes' advisor, including the Provident Capital class action against Australian Executor Trustees, which was the third biggest class action settlement in 2018. As a result of my combined costs and class action experience I have recently been appointed to act as a costs referee in the Pearls Ponzi Scheme class action and the consumer class action against Cash Converters.

A Selection of Significant Cases

McKenzie v Cash Converters International Ltd (No 4) [2019] FCA 166 – as costs referee

Wyma v Quinitis Ltd (Administrators Appointed) (Receivers and Managers Appointed) & Anor – Federal Court class action – junior counsel for applicant prior to consolidation with *Excel Texel Pty Ltd (as trustee for the Mandex Family Trust) & Anor v Quintis Ltd & Anor*

Kadam v MiiResorts Group 1 Pty Ltd ('Pearls Ponzi Scheme Class Action') - Federal Court Proceedings No QUD 528 of 2016 and 147 of 2017 – as costs referee

Creighton v Australian Executor Trustees Limited (No 4) [2018] NSWSC 1584 (Provident Capital Class Action) (and all anterior interlocutory applications following transfer from Federal Court to Supreme Court of NSW), junior counsel for the plaintiff, led by Lee SC (as he then was) and subsequently Coleman SC

Perera v GetSwift Limited (No 2) [2018] FCA 990 – junior counsel for applicant in respect of discrete costs argument

John Douglas McFarlane as Trustee for S McFarlane Superannuation Fund and IOOF Holdings Ltd [2018] FCA 932 – junior counsel for the prospective applicant in preliminary discovery

Slattery v Fordyce; Fordyce v Slattery [2019] NSWSC 173, appeal from magistrates decision as to costs – counsel for the law practice (un-led)

Re Crown Employees (School Administrative and Support Staff) Award, Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales v Secretary, Department of Education & Anor - NSW Industrial Relations Commission – pay equity claim by school support staff, junior counsel for respondents

Goldberg v Beckett [2018] NSWSC 583- Supreme Court solicitor/client costs dispute, counsel for the law practice, initially led by Rees SC (as she then was), un-led at final hearing.

Andrews v Australia and New Zealand Banking Group Limited; Paciocco v Australia and New Zealand Banking Group Limited (Bank Fees Class Action) - Federal Court Proceedings – assistance as junior counsel at various times with costs issues

Hunter Quarries Pty Limited v Morrison; Badior v Morrison [2017] NSWCCA 326 – junior counsel for prosecutor in respect of appeal from occupational, health and safety conviction in which the appellants had pleaded guilty, including in respect of subsequently application for special leave made by unsuccessful appellant

Nash v Silver City Drilling (NSW) Pty Ltd; Attorney General for New South Wales v Silver City Drilling (NSW) Pty Ltd [2017] NSWCCA 96 – work, health and safety prosecution, junior counsel for the prosecutor (and in the Court below)

James Ashby v Slipper, Federal Court proceedings, junior counsel for James Ashby led by Lee J (as he then was) at first instance and on appeal

Thompson v NSW Land and Housing Corporation (No 3) [2013] NSWSC 1658 - as referee

Bellevarde Constructions Pty Ltd v CPC Energy Pty Ltd (2011) 12 DCLR (NSW) 304. [2011] NSWDC 55 – precedent making appeal from costs assessment, counsel for the defendant (un-led)