

# Zelie C F Heger

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## Outline

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**Areas of practice:** Public and commercial law, including statutory interpretation, judicial and merits review, constitutional law, environment and planning law, corporations law, equity and contract.

**Admitted to practice:** 9 April 2010

**Called to the Bar:** May 2013 (Highest Aggregate Mark in June 2012 Exams)

**Qualifications:** BA LLB (University Medal in Law and Hons I) (USYD); LLM (Cambridge)

**Employment history:** Solicitor, A/Senior Solicitor – NSW Crown Solicitor’s Office (Administrative Law Group, Constitutional and Native Title Law Group)

Associate to the Hon. Chief Justice French AC, High Court of Australia

Associate to the Hon. Chief Justice Black AC, Federal Court of Australia

Casual Lecturer in Evidence, University of Sydney

Tutor in Evidence & Criminal Procedure, University of Technology Sydney

## Education

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**2010 – 2011**

**Master of Law, University of Cambridge**

- Studied on a *John Monash Scholarship, Cambridge Commonwealth Trust Scholarship* and *University of Sydney Travelling Scholarship*
- Awarded First Class grade
- Glanville Williams Prize (best performing LLM student at Jesus College)
- Sir Peter Gadsden Prize (best performing Australian at Jesus College)
- Jesus College Foundation Scholarship
- Thesis focused on statutory interpretation and the separation of powers

**2003 – 2007**

**Bachelor of Laws, University of Sydney**

- University Medal and First Class Honours
- Awarded various LLB prizes, including for Litigation (Evidence and Procedure), Third Year Law (Federal Constitutional Law; Law Lawyers & Justice) and International Law
- World Champions of Jessup International Law Moot (2007) with Dillard Award for Best Memorial; and awards for Best Applicant, Respondent and Overall Memorial in the Australian Rounds

- USYD Scholarship for Outstanding Achievement in the HSC
  - Exchange Scholarship to Universiteit Utrecht
- 2003 – 2005      **Bachelor of Arts (Philosophy; Government), University of Sydney**
- Emeritus Prof FA Bland Prize, John S D’Arcy Prize for Third Year Govt
  - Tish Proctor Memorial Prize, Turner Prize for First Year Govt
- 2002              **Higher School Certificate, Pymble Ladies’ College**
- University Admissions Index: 100.00
  - Dux of the School
  - First in State for Classical Greek; Premier’s Award for All-Round Excellence; Australian Students’ Prize

## Employment

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- 2011 – 2013      **NSW Crown Solicitor’s Office**
- A/ Senior Solicitor, Constitutional and Native Title Law Group
    - Drafted advices on constitutional and native title law
    - Briefed Attorney General on intervention in constitutional law cases
    - Instructed in proceedings under the *Aboriginal Land Rights Act 1983*
  - Solicitor, Administrative Law Group
    - Drafted advices on administrative law and statutory interpretation
    - Appeared as solicitor advocate in proceedings before the Administrative Decisions Tribunal and for the Attorney General in an appeal to the Supreme Court under the *Mental Health (Forensic Provisions) Act 1990*: see *Khoury v Mental Health Review Tribunal* (2012) 84 NSWLR 445 (Harrison J)
    - Instructed in judicial review proceedings
- 2013              **Casual Lecturer in Evidence, University of Sydney**
- 2012              **Tutor in Evidence & Criminal Procedure, University of Technology**
- 2009 – 2010      **Associate to the Hon Chief Justice French AC, High Court of Australia**
- 2009              **National Human Rights Consultation, Attorney-General’s Department**
- Engaged by the Department to assist the Brennan Committee in writing its final report to Government
- 2008 – 2009      **Associate to the Hon Chief Justice Black AC, Federal Court of Australia**
- 2008 – 2009      **Researcher, UN Guidelines on Human Trafficking**
- Assisted Dr Anne Gallagher in drafting the legal commentary to the *UN Recommended Principles and Guidelines on Human Rights and Human Trafficking*
- 2005 – 2007      **Allens Arthur Robinson**
- Summer clerk in IP and Litigation Groups
  - Paralegal in the IP, Communications & Technology Department

## Selected appearances

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### High Court of Australia

*Bell Group NV & Anor v State of*      Constitutional law – whether      Led by J Gleeson SC, J Watson

<i>Western Australia</i> [2016] HCA 21	<i>Bell Group Act</i> inconsistent with Tax Legislation, <i>Corporations Act 2001</i> (Cth) and/or s 39(2) of <i>Judiciary Act 1903</i> (Cth)	and M O'Meara
<i>Duncan v Independent Commission Against Corruption</i> [2016] HCATrans 305	Administrative law – application for special leave – judicial review of ICAC's corrupt conduct findings	Led by B Walker SC and S Free
<i>Duncan v Independent Commission Against Corruption</i> [2015] HCA 32	Constitutional law – whether Part 13 of Sched 4 to the <i>ICAC Act</i> impermissibly directed the exercise of judicial power	Led by B Walker SC, G Watson SC and S Free
<i>Duncan v State of NSW; Cascade Coal Pty Ltd &amp; Ors v State of NSW; Nucoal Resources Ltd v State of NSW</i> [2015] HCA 13	Constitutional law – whether legislative cancellation of exploration licences an exercise of judicial power; inconsistency with <i>Copyright Act 1968</i> (Cth)	Led by M G Sexton SC and S Free
<i>Boele v Rinbac Pty Ltd</i> [2015] HCATrans 156	Administrative law – application for special leave – whether District Court committed jurisdictional error	Led by B Walker SC
<i>Wambo Coal Pty Ltd &amp; Anor v Sumiseki Materials Co Ltd</i> [2015] HCATrans 56	Corporations law – application for special leave – construction of corporate constitution – oppression	Led by N C Hutley SC
<i>Buckman v The Queen</i> [2014] HCATrans 204	Constitutional law – application for special leave – inconsistency between Cth and State drug laws	Led by C Loukas SC and J Lucy
<i>Taylor v The Owners - Strata Plan No 11564 and Ors</i> [2013] HCATrans 206	Statutory construction – application for special leave – <i>Civil Liability Act 2002</i> (NSW)	Led by J Poulos QC and V Heath

### **New South Wales Court of Appeal**

<i>Norris v Routley</i> [2016] NSWCA 367	<i>Compensation to Relatives Act 1897</i> (NSW) – quantum – assessment of deceased's consumption	Led by J K Kirk SC
<i>Board of Studies, Teaching &amp; Educational Standards v Vandenbergkamp</i> [2016] NSWCA 268	Construction of <i>Education Act 1990</i> (NSW) – inconsistency with parenting orders under <i>Family Law Act 1975</i> (Cth)	Led by J K Kirk SC
<i>Duncan v Independent Commission Against Corruption</i> [2016] NSWCA 143 (Bathurst CJ, Beazley P and Basten JA)	Judicial review of ICAC's findings of corrupt conduct regarding concealment of Obeid involvement in mining venture	Led by B Walker SC and S Free
<i>EY v Guardianship Tribunal NSW</i> [2013] NSWCA 349	Application for leave to appeal – appointment of guardian under	

(Emmett and Ward JJA)

*Guardianship Act 1987* (NSW)

*AAI Limited t/as Vero Insurance v Solarus Projects Limited (in liq)* [2014] NSWCA 168  
(Leeming and Barrett JJA)

Application for leave to appeal from order for separate question hearing – construction of insurance policy

Led by A Leopold SC

### Supreme Court of New South Wales

*Re WS – Adoption Act 2000*

Constitutional law – inconsistency between Cth Family Law Regulations and *Adoption Act 2000* (NSW)

*Grace & Ors as trustees for the Milton Corporation Foundation v Attorney General NSW* (Reserved)

Charitable trusts – application for cy-près scheme

*Stuart v A/Deputy Secretary of Department of Justice* [2016] NSWSC 1179 (N Adams J)

Judicial review – validity of declaration applying lock out laws to Sydney CBD Bar

*Norris v Routley* [2016] NSWSC 147 (Harrison J)

Costs – rule 42.34 – rule 42.15 – validity of offer of compromise

*Norris v Routley* [2015] NSWSC 883; [2015] NSWSC 1875 (Harrison J)

*Compensation to Relatives Act 1897* – hearing on quantum

Led by J K Kirk SC

*Petch v ICAC & Minister for Local Government, Ex tempore, 2 December 2014* (Rothman J)

Application to restrain Minister from advising Governor on Councillor Petch's dismissal

*Duncan v ICAC; Kinghorn v ICAC; McGuigan & Ors v ICAC; Cascade Coal Pty Ltd & Ors v ICAC* [2014] NSWSC 1018 (McDougall J)

Judicial review of ICAC's findings of corrupt conduct regarding concealment of Obeid involvement in mining venture

Led by G Watson SC and S Free

*McCosker v NRMA Insurance* [2015] NSWSC 434 (Button J)

Judicial review – decision of proper officer under *Motor Accidents Compensation Act 1999*

Led by J Poulos QC

*Owners Corporation of SP 71623 v Waldorf Apartments Hotel The Entrance Pty Ltd* [2015] NSWSC 1658 (Hallen J)

Breach of fiduciary duties – construction of building management agreement

Led by M Izzo

*Soong v Commonwealth Department of Public Prosecutions* [2014] NSWSC 1030 (Adams J)

Appeal from Local Court - conviction under *Taxation Administration Act 1953* (Cth)

Led by I Pike SC

### Federal Court of Australia

*SZTWD v Minister for Immigration and Border Protection* [2015] FCAFC 3

Application for leave to appeal – judicial review of refusal of protection visa

<i>Seven West Media Ltd v Commissioner, AFP</i> [2014] FCA 263 (Jagot J)	Application for judicial review – warrants issued under <i>Proceeds of Crime Act 2002</i> (Cth)	Led by A Bell SC, G Jones and D Thomas
<i>Northern Inland Council for the Environment Inc v Minister for Environment, Heritage and the Arts</i> [2013] FCA 1419 (Cowdroy J)	Application for judicial review – approval of Maules Creek Coal Project under <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)	Led by N Williams SC and S Free
<i>Northern Inland Council for the Environment Inc v Minister for Environment, Heritage and the Arts</i> [2013] FCA 993 (Griffiths J)	Application for interlocutory injunction	Led by S Free

### Land and Environment Court of New South Wales

<i>Millers Point Fund Inc v Lendlease (Millers Point) Pty Ltd &amp; Ors</i> [2016] NSWLEC 166	Judicial review of PAC’s approval of modification to concept plan and SSD consent regarding Crown’s proposed casino at Barangaroo	Led by I Pike SC
<i>Dravin Pty Ltd v Blacktown City Council</i> [2016] NSWLEC 1447	Merits review of refusal to grant modification to development under s 96 <i>EP&amp;A Act</i>	
<i>Community Action for Windsor Bridge Inc v Roads and Maritime Services</i> [2015] NSWLEC 167 (Brereton AJ)	Judicial review of approval under Part 5.1 of <i>EP&amp;A Act</i>	Led by J K Kirk SC
<i>Trustee for the Gerald &amp; Catherine Barnard Family Trust t/as Walkabout Wildlife Park v Minister for Planning and Infrastructure</i> [2015] NSWLEC 1465	Merits review of approval given under Part 3A of <i>EP&amp;A Act</i>	Led by J Hutton
<i>Darkinjung Local Aboriginal Land Council v Wiyong Coal Pty Ltd</i> [2014] NSWLEC 31	Motion for expedition	
<i>Darkinjung Local Aboriginal Land Council v Wiyong Coal Pty Ltd</i> [2014] NSWLEC 71	Statutory construction – validity of application for State significant development	Led by S Free

### ICC International Court of Arbitration

Dispute between two resources companies	Interpretation of contracts	Led by A Sullivan QC
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### Administrative Administrative Tribunal

Dispute between taxpayer and Commissioner of Taxation	Tax/Administrative Law – whether extension of time to lodge objection to notice of	Led by M Richmond SC
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assessment should be granted  
under s 14ZX of *Taxation  
Administration Act 1953* (Cth)

### **NSW Civil and Administrative Tribunal**

*Office of Finance and Services v  
APV and APW* [2014]  
NSWCATAP 88

Appeal – *Privacy and Personal  
Information Protection Act 1998* –  
whether information “personal  
information”

*Weston v Merlino & Ors*  
Appeal Panel (Part-heard)

Appeal – *Guardianship Act 1987*  
– appeal from order allowing  
guardianship order to lapse

*Eyes v Wyong Shire Council* [2015]  
NSWCATAD 214

*Government Information (Public  
Access) Act 2009* application

### **Racing Appeals Tribunal**

*Hallinan & Ors v Greyhound  
Racing NSW*, 19 March 2015

Appeared for GRNSW –  
appeals by owners against  
suspension of greyhounds –  
trainer suspected of live baiting

*Spratt v Greyhound Racing NSW*,  
15 January 2016

Appeared for GRNSW in appeal  
against Stewards’ finding that  
greyhound presented with  
prohibited substance

### **Coroner’s Court of New South Wales**

*Inquest into the death of Hugh Lisle*  
8 May 2014

Appeared for the Lisle family