

Zelie C F Heger SC

Barrister

Eleven Wentworth

Level 11, 180 Phillip St
Sydney NSW 2000
DX 377 SYDNEY

heger@elevenwentworth.com

Tel: +61 2 9101 2307

Fax: +61 2 9232 7626

I have a public and commercial law practice, including constitutional law, administrative law, environment and planning law, inquiries, and general commercial law.

Professional history

2013-present	Barrister, Eleven Wentworth (appointed Senior Counsel 2024) Board Member of Eleven Wentworth (2020-2022) Deputy Chair of NSW Bar Association Education Committee (from 2023) Leading Administrative/Public Law junior counsel, Doyles Guide, 2022, '23, '24 Leading Environment and Planning junior counsel, Doyles Guide, 2024
2011-2013	A/Senior Solicitor – NSW Crown Solicitor’s Office (Administrative Law Group; Constitutional and Native Title Law Group)
2012, 2013	Lecturer in Evidence – University of Sydney, University of Technology Sydney
2009-2010	Associate to the Hon. Chief Justice French AC, High Court of Australia
2008-2009	Associate to the Hon. Chief Justice Black AC, Federal Court of Australia

Education

2012	Highest Aggregate Mark in June 2012 Bar Exams
2010 – 2011	Master of Law, University of Cambridge <ul style="list-style-type: none">• Studied on a <i>John Monash Scholarship, Cambridge Commonwealth Trust Scholarship</i> and <i>University of Sydney Travelling Scholarship</i>• First Class grade, Glanville Williams Prize and Sir Peter Gadsden Prize• Jesus College Foundation Scholarship
2003 – 2007	Bachelor of Laws, University of Sydney <ul style="list-style-type: none">• University Medal and First Class Honours• Prizes 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)• USYD Scholarship for Outstanding Achievement in the HSC• Exchange Scholarship to Universiteit Utrecht
2003 – 2005	Bachelor of Arts (Philosophy; Government), University of Sydney <ul style="list-style-type: none">• Emeritus Prof FA Bland Prize, John S D’Arcy Prize for Third Year Govt• Tish Proctor Memorial Prize, Turner Prize for First Year Govt

Recent appearances (current to November 2024)

Appellate

- *Quarry St Pty Ltd v Minister for Crown Lands* [2024] NSWCA 107 – judicial review of decision to grant land claim under *Aboriginal Land Rights Act 1983* (NSW)
- *Granville Hotel Operations v ILGA* [2023] NSWCA 248 – judicial review of decision made under s 40 of the *Gaming Machines Act 2001* (NSW)
- *Huynh v Attorney General (NSW)* [2023] NSWCA 190 – whether refusal to refer conviction for inquiry/to CCA made was under federal law and engaged ADJR Act
- *Ramsay v Minister for Lands and Water* [2023] NSWCA 200 – whether LEC has jurisdiction to hear merits appeal under s 368 of *Water Management Act 2000* (NSW)
- *BRD21 v ABC* [2023] FCAFC 101 – *Public Interest Disclosures Act 2013* (Cth) – whether pleadings should be struck out for breaching parliamentary privilege
- *Weston Aluminium Pty Limited v Environment Protection Authority* [2022] NSWCA 236 – statutory construction – whether appellant liable to pay waste levy
- *JKL v Justice Health and Forensic Mental Health Network* [2021] NSWCA 94 – construction of s 48 of *Mental Health (Forensic Provisions) Act 1990* (NSW)
- *Angilly v Child Support Registrar* [2021] FedCFamC1A 52 – appeal from order for payment of child support debt to Full Court

Administrative law

- *Central Coast Council v Minister for Crown Lands* (NSWSC, ongoing) – judicial review of Minister’s decision to sell Crown road to private party
- *Tickle v Giggle for Girls Pty Ltd* [2024] FCA 960 – discrimination and constitutional law - first case of gender identity discrimination under *Sex Discrimination Act 1984* (Cth)
- *WQKK v Minister for Immigration* [2024] FCA 1169 – judicial review of AAT decision to affirm non-revocation of visa cancellation
- *KVRK v Minister for Immigration* [2024] FCA 698 – judicial review of AAT decision to affirm non-revocation of visa cancellation
- *Munkara v Santos NA Barossa Pty Ltd (No 4)* [2024] FCA 414; *(No 5)* [2024] FCA 717 – application to set aside subpoenas issued with view to making third party costs order application
- *CBH23 v Child Support Registrar* [2024] FedCFamC2G 201 – appeal from departure prohibition order – statutory construction and estoppel
- *Quarry St Pty Ltd v Minister for Crown Lands* [2023] NSWLEC 62 – judicial review of decision to grant land claim under *Aboriginal Land Rights Act 1983* (NSW)
- *Star Training Pty Ltd v Commissioner of Police* (2023-2024, NCAT, reserved) – merits review of decision to revoke security licence
- *Granville Hotel Operations v ILGA* [2022] NSWSC 1408 – judicial review of decision made under s 40 *Gaming Machines Act 2001*
- *Zillman v Treasury* (2023, NCAT, rsvd) – appeared for Catholic Metropolitan Cemeteries Trust as third party objector on application under GIPA Act
- *Tatla v Minister for Immigration* [2023] FCA 1138 – whether applicant “ordinarily resident” in Australia under s 12(1)(b) of *Australian Citizenship Act 2007* (Cth)

- *Child Support Registrar v CDJ22* [2023] FCA 1057 – appeal from AAT decision extending child support assessment
- *Alameddine v State Parole Authority* [2022] NSWSC 726 – judicial review of SPA’s decision to refuse parole – “terrorism related offender” under Div 3A of *CAS Act*
- *Children’s Guardian v DVR* [2022] NSWSC 1036 – appeal on question of law from NCAT decision granting a working with children check
- *Davis v Minister for Health* [2022] NSWCATAD 342 – application for summary dismissal of application for review of public health order requiring vaccination of health care workers (also appeared in [2022] NSWCATAP 115; [2021] NSWCATAD 293; [2021] NSWCATAD 310)
- *McDonald v Ku-ring-gai Council* [2022] NSWCATAD 17 – application under *Government Information (Public Access) Act 2009* (NSW) re Lindfield Village Hub development
- *Hickey v State Parole Authority* [2022] NSWSC 1389 – application for direction to SPA that information was false, misleading or irrelevant under s 176 of *Crimes (Administration of Sentences) Act 1999* (NSW)
- *Attorney General (Cth) v Pender (Preliminary)* [2022] NSWSC 1360 – preliminary hearing for application for extended supervision order under *Criminal Code (Cth)*
- *BRD21 v ABC* [2021] FCA 960; [2021] FCA 1347 – *Public Interest Disclosures Act 2013* (Cth) – whether pleadings should be struck out for breaching parliamentary privilege

Environment and planning

- *Glenayr Nominees Pty Ltd v Waverley Council* (ongoing) – civil enforcement proceedings to address alleged flood impacts of development
- *Trustee for Good Times Holdings NSW Trust v Council of City of Sydney* [2023] NSWLEC 1572 – merits appeal – application to exceed height/FSR controls under cl 4.6 SLEP
- *Bathurst Regional Council v Natural Resources Access Regulator* [2022] NSWSC 846; [2022] NSWSC 1113; [2021] NSWLEC 109 – judicial review of caution issued by NRAR for breach of *Water Management Act 2000*
- *Barana Properties (No 7) Pty Ltd v City of Sydney* [2021] NSWLEC 1293 – appeal against conditions of development consent
- *Randren House Pty Ltd v Water Administration Ministerial Corporation (No 4)* [2019] NSWLEC 5; [2019] NSWLEC 63 – judicial review and associated claims for remediation to land
- *R v Alpha Nobis FM Pty Ltd* (2019, Local Court) – sentencing hearing for breach of development consent – appeared for the Prosecutor
- *Environmental Protection Authority v Newcastle Ports Corporation* [2019] NSWLEC 92 – application to inspect documents produced under subpoena – whether subject to privilege
- *Help Save Mt Gilead Inc v Mount Gilead Pty Limited (No 4)* [2018] NSWLEC 149 – challenge to validity of local environmental plan

Inquiries

- *National Anti Corruption Commission* (2024) – appeared as Counsel Assisting in private examinations
- *Operation Hector – ICAC inquiry into Inner West Council and Transport for NSW* (2023) – briefed to appear for Downer EDI Works Pty Ltd
- *Operation Galley – ICAC inquiry into Hurstville City Council/Georges River Council* (2022) – briefed as Counsel Assisting to conduct compulsory examinations and appear at public inquiry

Constitutional law

- *AEC v Craig Kelly* [2023] FCA 854 – prosecution of Mr Kelly for breach of electoral law – inconsistency with implied freedom of political communication
- *Aymsbeen v Pty Ltd v Chief Commissioner of State Revenue* [2023] NSWSC 1237 – motion for separate question on whether payroll tax an excise, s 90 *Constitution*
- *NZYQ v Cth* [2023] HCA 37 – led by S Donaghue KC, P Herzfeld SC, leading A Hammond
- *Vanderstock v State of Victoria* [2023] HCA 30 – led by M G Sexton SC
- *Minister for Immigration v Montgomery* (heard in 2022, discontinued) – led by S Donaghue KC, C Lenehan SC, P Knowles
- *Mineralogy Pty Ltd, Clive Palmer v WA* [2021] HCA 31 – led by J Thomson SC, S Free SC, J Shaw
- *Chetcuti v Commonwealth* [2021] HCA 25, [2020] HCA 42 – led by S Donaghue KC, C Lenehan SC
- *Westpac Banking Corporation v Lenthall & Ors* [2019] HCA 45 – led by J Gleeson SC, W A Edwards
- *Clubb v Edwards; Preston v Avery* [2019] HCA 11 – led by J K Kirk SC
- *Plaintiff M47/2018 v Minister for Home Affairs* [2019] HCA 17 – led by S Donaghue KC, P Herzfeld
- *Work Health Authority v Outback Ballooning* [2019] HCA 2 – led by S Donaghue KC, leading T Wood
- *Alford v Parliamentary Joint Committee on Corps and Financial Services* [2018] HCA 57 – led by S Free SC
- *Bell Group NV & Anor v WA* [2016] HCA 21 – led by J Gleeson SC, J Watson and M O’Meara
- *Duncan v ICAC* [2015] HCA 32 – led by B Walker SC, G Watson SC and S Free
- *Duncan v State of NSW* [2015] HCA 13 – led by M G Sexton SC and S Free

Commercial

- *Proceedings concerning Greensill Bank AG* (FCA, ongoing) – acting for BCC Trade Credit Pty Ltd in proceedings relating to various Greensill risks, led by P Braham SC, J Williams SC, J Hutton SC
- *Catholic Metropolitan Cemeteries Trust v Attorney General NSW* [2024] NSWCA 30 – whether property subject to charitable trust – instructed by Mills Oakley – led by M Izzo SC, leading P Springthorpe
- *Watson v Greenwoods & Herbert Smith Freebills* [2023] FCAFC 132 – proper construction of whistleblower protections under ss 1317AD and 1644 of the *Corporations Act 2001* (Cth) – instructed by Assured Legal – led by M J Darke SC
- *Ritchie v Advanced Plumbing and Drains Pty Ltd* [2022] NSWSC 849 – application for indemnity costs
- *H2O Exchange Pty Ltd and Innovation and Science Australia* [2019] AATA 4195 – whether “R&D activities” under *Income Tax Assessment Act 1997* (Cth)
- *In the matter of Citadel Financial Corporation Pty Ltd* [2019] NSWSC 65 – application to set aside statutory demand
- *White as administrator of estate of Josephine Agnes Virgona v Attorney General NSW* [2019] NSWSC 917 – application for cy-près scheme
- *Morrison-Conway & Anor; Estate of the Late Judith Christine Walsh* [2018] NSWSC 685 – application for judicial advice under s. 63 of *Trustee Act 1925*
- *Al-Jaafariya Society Inc v Chief Commissioner of State Revenue* [2017] NSWCATAD 283 – application for exemption from stamp duty