

ERIC HEENAN

Francis Burt Chambers
Level 19, Allendale Square
77 St Georges Terrace
Perth WA 6000
eheenan@francisburt.com.au

Dates of admission 2 March 2007 (WA), 5 June 2007 (HCA)

Senior Counsel 26 October 2022

Profile

Eric Heenan SC practises across commercial, administrative, constitutional and regulatory law, with a particular focus on appellate work and matters involving complex statutory interpretation. He has appeared at first instance and on appeal in the Supreme Court of Western Australia, the Federal Court of Australia, and the High Court of Australia, and in domestic and international arbitrations. He took silk in October 2022. Outside practice, he is the Editor of the Western Australian Reports and sometimes teaches Unjust Enrichment & Restitution at the University of Western Australia Law School.

Main practice areas

- Administrative and public law
- Commercial law
- Constitutional law
- Contested probate, succession, and family provision
- Regulation and crime

Selected cases

Administrative and constitutional law

- *Sea Harvest Marine Pty Ltd v The Minister for Fisheries* (2026) WASC (reserved) – challenge to the validity of a prohibition order made by the Minister under s 43 of the *Fish Resources Management Act 1994* (WA) to ban all trawl fishing for demersal scalefish in the Pilbara Trawl Fishery Interim Managed Fishery, including on the grounds of reasonableness and proportionality.
- *Panesar v Attorney-General of the Commonwealth of Australia* [2025] FCA 477; and on appeal [2026] FCAFC 46 – defence of an application that the use by prosecuting authorities in the United Kingdom in a criminal trial in the Crown Court of evidence supplied by Australia in the prosecution of the applicant was unlawful pursuant to Australian law as contrary to the *Mutual Assistance in Criminal Matters Act 1987* (Cth) or an agreement (treaty) between the governments of the United Kingdom and Australia.
- *Dunn v Reproductive Council of Western Australia* (2025) WASCA (reserved) – challenge on the grounds of invalidity pursuant to s 109 of the *Commonwealth Constitution* to the validity of provisions of the *Surrogacy Act 2008* (WA) that purport to render same-sex male couples ineligible to seek approval of a surrogacy

arrangement by reason of inconsistency with s 22 of the *Sex Discrimination Act 1984* (Cth).

- *Shire of Mount Magnet v Atlantic Vanadium Pty Ltd* [2025] WASC 274 – appeal concerning whether occupied Crown land the subject of a miscellaneous licence granted under the *Mining Act 1978* (WA) is “rateable land” and thus susceptible to local government rates under the *Local Government Act 1995* (WA).
- *Medical Board of Australia v Will* (2024) WASC – questions of law referred to the Supreme Court of Western Australia concerning the interaction of confidentiality and admissibility of provisions of the *Health Insurance Act 1973* (Cth) with the powers and duties of a health practitioner Board performing functions under the *Health Practitioner Regulation National Law (Western Australia)*.
- *Richmond v Warden McPhee* [2025] WASC 387 – application for judicial review of a decision of the mining warden concerning the conditions required to be satisfied for jurisdiction to arise to consider an application to grant an exploration licence under s 58 of the *Mining Act 1978* (WA) and the jurisdiction to award costs pursuant to r 165(4) of the *Mining Regulations 1981* (WA) (reserved).
- *Regis Resources Limited v Warden Cleary* [2024] WASC 427 – defence of an application for judicial review of a decision of the mining warden concerning the functions of a warden under s 102 of the *Mining Act 1978* (WA).
- *The President of the Legislative Council of Western Australia v Corruption and Crime Commission* – [2021] WASC 223 – led by S Vandongen SC – concerning the scope and nature of parliamentary privilege and the powers of the Corruption and Crime Commission to compel the production by the Department of Premier and Cabinet of email accounts of former members of Parliament and their staff and to search and seize items from the residence of such members under warrant.

Commercial litigation

- *Re Twinza Oil Limited (receivers and managers appointed) (No 2)* [2025] FCA 1325 – defence of application to approve a creditors’ scheme of arrangement.
- *Crossley v English* [2025] WASCA 141 – appeal against decision dismissing claim by downstream owner of riparian land against owner of upstream riparian land for taking water in excess of entitlements under the *Rights in Water and Irrigation Act 1914* (WA).
- *Wise v Wise* [2025] WASCA 98 – defence of appeal against decision dismissing a proprietary estoppel claim premised on an alleged promise that certain farming land would be left by will to the appellants.
- *Fremantle Port Authority v Martin* [2025] WASC 301 – application to set aside arbitrator’s award on grounds of denial of procedural fairness and for purporting to deal with a dispute not contemplated by and not falling within the terms of the parties’ submission to arbitration, and challenge to arbitrator’s implicit finding on jurisdiction.
- *Milne Agigroup Pty Ltd v Toovey* (2025) – defence of breach of confidence claim involving alleged misuse of trade secrets. Resolved prior to trial.
- *Capper v Burrows* (2025) WASC – defence of claim for a proprietary estoppel and argument concerns whether various farming assets were partnership or personal assets.

- *Le v Plummer (No 2)* [2023] WASC 377 and on appeal [2023] WASCA 178 – strike out of statement of claim alleging malicious prosecution by defendant barrister who conducted a criminal trial against the plaintiff.
- *Woodhouse v NKH Pty Ltd* (2023) WASC – defence of claim by former client of breach of fiduciary duty against defendant firm of accountants (judgment reserved).
- *Morrison v Woodthorpe (No 3)* [2022] WASC 454 – rectification of company registers maintained by ASIC where parent company director purported to act as de facto managing director.
- *Perth Airport Pty Ltd v Qantas Airways Limited (No 3)* [2022] WASC 51 – led by J Sheahan QC with B Kremer – quantum meruit claiming the reasonable value of aeronautical services provided at Perth Airport.

Regulation and crime

- *Alinta Sales Pty Ltd v Economic Regulation Authority and ATCO Gas Australia Pty Ltd* (2026) WASC – application for judicial review of access arrangement decision for the mid-west and south-west gas distribution system.
- *Culleton v Balwyn Nominees Pty Ltd* [2025] FCA 1542 – application to summarily dismiss an action seeking prohibition against and an injunction restraining the Commonwealth Director of Public Prosecutions from maintaining a criminal prosecution commenced in a State court exercising federal jurisdiction.
- *The State of Western Australia v Mauk & ors* (2024) – criminal prosecution of husband and wife for disposition and receipt (respectively) of property of the subsequently bankrupt husband with intent to defraud his creditors, contrary to ss 263 & 266 of the *Bankruptcy Act 1966* (Cth).
- Extensive experience representing foreign countries including the United States of America, the United Kingdom, the Republic of Ireland, the Czech Republic, and the Republic of Indonesia in proceedings under s 19 of the *Extradition Act 1988* (Cth) to determine the eligibility for surrender for extradition of a requested person to the foreign state.

Professional history

Francis Burt Chambers (2012-present)

The State Solicitor’s Office for Western Australia (2006-2012)

Practised in administrative, commercial and construction law for State Government agencies. Acted in commercial and construction litigation for the Public Transport Authority, the Commissioner of Main Roads, and Building Management & Works (then the principal works agency of the State), as well as in advice work and litigation for other State agencies on matters of statutory interpretation, public law and contractual disputes.

2011 Assistant State Solicitor.

Professional associations

Francis Burt Chambers

2021, 2024-25 Director of the Board of WA Bar Chambers Ltd.

2025 Treasurer of the Board of WA Bar Chambers Ltd.

2012-present Member.

The Western Australian Bar Association

2020, 2023-26 Member of Bar Council.

2025 Treasurer, Bar Council

2012-present Member.

The Law Society of Western Australia

2012-2013, Ordinary member of the Council of the Law Society.

2018, 2025

2010-2011 Junior member of the Council of the Law Society.

2006 Articled clerk representative on the Council of the Law Society.

Academic qualifications

The University of Oxford, Magdalen College (2007-2008)

Bachelor of Civil Law (Distinction).

The University of Western Australia (2003-2005)

Bachelor of Laws with Honours (H1).

The University of Melbourne (1999-2002)

Doctor of Philosophy in high-energy physics.

Thesis: *An investigation of doubly charmed B meson decays with the Belle detector*

Research conducted as a member of the Belle Collaboration at the KEK B-factory, Tsukuba, Japan.

The University of Western Australia (1995-1998)

Bachelor of Science with Honours (H2A) in Physics.

Academic appointments

The University of Western Australia Law School

2009-present Sometime Lecturer, Unjust Enrichment & Restitution.

Western Australian Reports

2023 Editor (current).