

MATT SHERMAN

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EDUCATION

Sep 2012 – July 2013	UNIVERSITY OF OXFORD Bachelor of Civil Law (Distinction)
Feb 2005 – Dec 2010	AUSTRALIAN NATIONAL UNIVERSITY Bachelor of Laws (Hons 1) & Bachelor of Commerce

EXPERIENCE

May 2017 – present	SIXTH FLOOR SELBORNE WENTWORTH CHAMBERS Barrister
Feb 2015 – April 2017	KING & WOOD MALLESONS
Feb 2011 – Aug 2012	Solicitor / Graduate, Dispute Resolution and Competition Teams
Jan 2014 – Jan 2015	FEDERAL COURT OF AUSTRALIA Associate to the Hon Justice Alan Robertson

SELECTED MATTERS

Class actions, commercial and regulatory

	With	Instructors
<i>J Wisbey & Associates Pty Ltd v UBS AG</i> [2024] FCA 147; [2021] FCA 36 (Federal Court, ongoing) — class action, alleged cartel conduct by various global banks in relation to foreign exchange markets, for NatWest	C Moore SC & N de Young KC	King & Wood Mallesons
<i>R and N Hunter Pty Ltd v Count Financial Ltd</i> (Federal Court, reserved) — class action, allegations concerning grandfathered commissions, financial advice, best interest duty and conflict priority rule, for Count	E Collins SC, P Meagher & J Birrell	Clayton Utz
<i>Pabai v Commonwealth</i> (Federal Court, reserved) — class action brought on behalf of Torres Strait Islanders alleging novel duties of care in relation to climate change impacts and adaptation, for the Commonwealth	S Lloyd SC, Z Maud SC, A Lyons, M Salinger	AGS
<i>Dalton v Volkswagen AG</i> (Federal Court, concluded) — class action, proceedings concerning alleged misleading or deceptive conduct and breaches of statutory warranties in connection with emissions from certain diesel vehicles (stage 2), for Volkswagen, Audi and Skoda	N Hutley SC, G Rich SC, R C A Higgins SC & I Ahmed	Clayton Utz
<i>Mason v New South Wales</i> (Federal Court, ongoing) — class action brought on behalf of South Coast Peoples alleging invalidity of fishing laws and discrimination, for New South Wales	C Lenehan SC & J Davidson	Crown Solicitor's Office
<i>Cruickshank v ASIC</i> [2022] HCASL 201 (Special Leave); (2022) 292 FCR 627; 403 ALR 67; 163 ACSR 226; FCAFC 128 (Full Court) and <i>ASIC v Big Star Energy Ltd (No 3)</i> [2020] FCA 1442; 389 ALR 17; 148 ACSR 334 & [2021] FCA 1578; 158 ACSR 196 (first instance) — continuous disclosure breaches arising from asset sale, directors' duties, for ASIC	J Halley SC & O Bigos KC	ASIC
<i>ASIC v Holista Colltech Ltd</i> [2024] FCA 244 & [2024] FCA 516 — continuous disclosure, directors' duties, misleading or deceptive conduct and provision of false and misleading information to the ASX, for ASIC	O Bigos KC	ASIC
<i>Re Application by Controlabill Pty Ltd</i> [2021] ACompT 6 (Australian Competition Tribunal, strike out application/withdrawal) — review of merger authorisation in relation to the amalgamation of Eftpos, BPay and New Payments Platform, for the merger parties	R C A Higgins SC	King & Wood Mallesons
<i>Optus Mobile Pty Ltd v Telstra Corporation Ltd</i> [2018] FCA 745 — urgent final proceedings concerning the use of the word “unlimited” in telecommunications advertisements, for Telstra	A McGrath SC	King & Wood Mallesons

<i>Mobster Ltd v Telstra Corporation Ltd</i> (Supreme Court, concluded) — allegations made by a mobile phone games provider concerning consumer law issues and unlawful interference with trade, for Telstra	R C A Higgins SC	King & Wood Mallesons
<i>Fitz Jersey Pty Ltd v Atlas Construction Group Pty Ltd</i> [2021] NSWSC 1692; [2022] NSWSC 1702 — construction, contract, corporations law, directors/fiduciary, tracing, for Fitz Jersey Pty Ltd	M Christie SC, L Shipway & B Mostafa	Eakin McCaffery Cox
<i>ASIC v Marco</i> (2020) 145 ACSR 265; FCA 719; [2020] FCA 835; [2020] FCA 881; [2020] FCA 1512; [2020] FCA 1781 — proceedings to wind up a Ponzi owing in excess of \$240M, for ASIC	J Halley SC	ASIC
<i>NDIS Quality and Safeguards Commission v Australian Foundation for Disability</i> [2023] FCA 629 — first civil penalty proceeding brought by Commission arising from a death during care, for the Commission	S Mirzabegian SC	Ashurst
<i>Director of Biosecurity v Chi</i> [2024] FCA 388 — first proceeding under the <i>Regulatory Powers (Standard Provisions) Act 2014</i> (Cth) commenced in relation to <i>Biosecurity Act 2015</i> (Cth) breaches, for the Director	Unled	Clayton Utz
<i>Re a Director and ASIC</i> [2022] AATA — banning and disqualification order proceedings arising from the collapse of a non-bank lender, for the CEO and managing director	V Whittaker SC	Quinn Emanuel
<i>Re a Director and ASIC</i> [2022] AATA 4395; [2022] AAT 2286 — review of a banning order in relation to the chair and responsible manager of a financial services entity, for the director	Unled against silk	Herbert Smith Freehills
Public law, environmental law and tax		
<i>Minister for Immigration and Border Protection v SZVFW</i> (2018) 264 CLR 541; 92 ALJR 713; 357 ALR 408; 75 AAR 434; 163 ALD 1; HCA 30 — unreasonableness and principles regarding appeals, for the Minister	N J Williams SC & P Herzfeld	Sparke Helmore
<i>Environment Council of Central Queensland Inc v Minister for the Environment and Water</i> [2024] FCAFC 56 (Full Court) and [2023] FCA 1208; 413 ALR 318 (first instance) — proceedings challenging fossil fuel projects based on alleged climate change impacts, for the Minister	S Lloyd SC & M Aguinaldo	AGS
<i>Australian Conservation Foundation Inc v Woodside Energy Ltd</i> (Federal Court, ongoing) — proceedings regarding alleged climate change impacts from Woodside’s Scarborough Gas Project, for the Minister (intervening)	S Lloyd SC	AGS
<i>Australian Conservation Foundation Inc v Minister for the Environment</i> (2021) 390 ALR 157; 174 ALD 286; FCA 550 — judicial review proceedings concerning the EPBC Act water trigger, for Adani	S Lloyd SC	Ashurst
<i>Jubilee Australia Research Centre Ltd v Export Finance and Insurance Corporation</i> (Federal Court, ongoing) — proceedings concerning disclosures in annual reports regarding GHG emissions and climate impacts, for the Northern Australia Infrastructure Facility and its Chairs	S Free SC	Herbert Smith Freehills
<i>Calvary Health Care ACT Ltd v Australian Capital Territory</i> [2023] ACTSCFC 1 & [2023] ACTSCFC 2 (Full Court of ACT Supreme Court) — proceedings regarding just terms acquisition arising from the ACT’s compulsory acquisition of Calvary Hospital, for the Territory	P Garrisson SC & H Younan SC	ACT Government Solicitor
<i>Singapore Telecom Australia Investments Pty Ltd v Commissioner of Taxation</i> [2024] FCAFC 29 (Full Court) and (2021) 158 ACSR 229; 114 ATR 51; FCA 1597 (first instance) — tax, transfer pricing, intercompany finance for SingTel’s acquisition of Optus, for the Commissioner	M Richmond SC C Burnett SC & A Lyons	AGS
<i>Hedges v Commissioner of Taxation</i> [2023] FCAFC 105; 117 ATR 57 — appeal concerning whether payments made to a partner on his retirement from a law firm were made for the disposal of goodwill, for the taxpayer	C Peadon	Walker Hedges
<i>North Eastern Peninsula Sea Claim Group v Queensland</i> (Federal Court, reserved) – native title, separate questions concerning the validity of leases issued under <i>Land Act 1962</i> (Qld), for the Commonwealth	R Webb KC	AGS

<i>Arid Lands Environment Centre Inc v Minister for</i> [2024] NTSC 4 — judicial review proceedings challenging a decision to issue Australia’s largest ever groundwater licence, for ALEC	J Lawrence SC	EDO
<i>Christian Community Ministries Ltd v Minister for Education and Early Learning</i> [2024] NSWCA 1; [2023] NSWSC 272 — judicial review of a decision to recover funding from a non-government school, for the school	P Knowles SC	Holding Redlich
<i>Assyrian Christian Schools v Minister for Education and Early Learning</i> [2023] NSWSC 749 — application for judicial review of a decision of the Minister to recover school funding, for the school	H Younan SC	David Legal
<i>Nugrohowati v Minister for Home Affairs</i> (2021) 366 FLR 16; FCCA 1941 and [2022] FedCFamC2G 125 (unled) — certiorari and prohibition, family violence issues, for the Minister	S Lloyd SC	AGS
<i>Local Democracy Matters Inc v Infrastructure NSW</i> (2019) 367 ALR 733; 237 LGERA 74; NSWCA 65 and (2019) 235 LGERA 378; [2019] NSWLEC 20 — expedited judicial review proceedings concerning demolition of the Sydney Football Stadium, for the Minister	R Beasley SC & M Ellicott	Department of Planning
<i>Gloucester Resources Ltd; Stratford Coal Pty Ltd v Minister for Planning</i> (2019) 234 LGERA 257; [2019] NSWLEC 7 — appeal concerning an open cut coal mine near the town of Gloucester, for the Minister	K Stern SC & T Phillips	Department of Planning
<i>Minister Administering the Water Management Act 2000 v Sharkey</i> (2019) 226 LGERA 322; [2017] NSWCA 319 — statutory construction, meaning of “ <i>the upper limit of the storage of Hume Dam</i> ”, for the Minister	P Herzfeld	Crown Solicitor’s Office
<i>Lawson v Minister for Environment and Water (SA) and New South Wales</i> [2022] NSWLEC 50 — application for determination of separate questions in relation to a land rights/compensation claim, for Mrs Lawson	Unled	Gilbert + Tobin
<i>AQC Dartbrook Management Pty Ltd v Minister for Planning and Public Spaces</i> [2022] NSWLEC 1089; [2020] NSWLEC 159 — modification of the Dartbrook coal mine approval, for the Minister	Unled	CSO
<i>Re Caring Home Care Pty Ltd and Aged Care Quality and Safety Commissioner</i> [2021] AATA 24 — merits review concerning cancellation of an aged care provider approval, for the Commissioner	Unled	Ashurst
Royal commissions and commissions of inquiry		
<i>Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry</i> — acted for NAB, appeared at the Round 5 (Superannuation) and Round 7 (Final Round) Hearings	N J Young KC, W Harris KC, D F C Thomas SC	Herbert Smith Freehills
<i>Royal Commission into the Robodebt Scheme</i> – acted for PwC and a former partner concerning a discrete factual issue that arose during the course of the Commission, appeared at Hearing Block 4 Hearing	R McHugh SC	King & Wood Mallesons
<i>Special Commission of Inquiry into the Ruby Princess</i> — acted for the Commonwealth (Departments of Home Affairs, Health and Agriculture) in preparing its voluntary statement to the Special Commission of Inquiry	R C A Higgins SC & J Davidson	AGS

PUBLICATIONS

‘The Boundaries Between Fact and Law in Administrative Review’ in Neil Williams SC (ed), *Key Issues in Public Law* (Federation Press, 2017) (with Kristina Stern SC)

‘Narrowing the Gauge for Access: *Pilbara Infrastructure v Australian Competition Tribunal*’ (2011) 19 *Australian Journal of Competition and Consumer Law* 283 (with Vishal Ahuja)

‘*Plaintiff M70/2011 v Minister for Immigration and Citizenship*’ (2012) 19 *Australian Journal of Administrative Law* 64 (with Mark Smyth)