

## MATT SHERMAN

### EDUCATION

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

### EXPERIENCE

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

SELECTED MATTERS	With	Instructors
<b>Class actions</b>		
<i>R and N Hunter Pty Ltd v Count Financial Ltd</i> [2025] FCA 544 — allegations concerning grandfathered commissions, financial advice, fiduciary duties, best interest duty and conflict priority rule, for Count	E Collins SC, P Meagher & J Birrell	Clayton Utz
<i>Pabai v Commonwealth</i> [2025] FCA 796— 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>J Wisbey &amp; 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	N de Young KC (previously C Moore SC)	King & Wood Malleons
<i>Mason v New South Wales</i> (Federal Court, ongoing) — class action brought on behalf of South Coast Peoples alleging discrimination with respect to traditional fishing, for New South Wales	C Lenehan SC, J Davidson & B Green	Crown Solicitor's Office
<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
<b>Commercial</b>		
<i>Industrial Bank of Korea v Insurance Australia Ltd; Rhodium Trading Australia Pty Ltd v Tokio Marine</i> (Supreme Court, ongoing) — trade credit insurance claims, for the Commonwealth Bank and IBK	D Lloyd SC P Kulevski & H Zhu	Corrs Chambers Westgarth
<i>Fitz Jersey Pty Ltd v Atlas Construction Group Pty Ltd (in liq)</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 scheme owing in excess of \$250M to investors, for ASIC	J Halley SC	ASIC
<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 Malleons

## Regulatory

<i>Cruickshank v ASIC</i> [2022] HCSL 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) 389 ALR 17; 148 ACSR 334; FCA 1442 & [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>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) 303 FCR 76; [2024] FCA 388 — first proceedings brought by the Director of Biosecurity under the <i>Regulatory Powers (Standard Provisions) Act 2014</i> (Cth) seeking penalties in relation to breaches of the <i>Biosecurity Act 2015</i> (Cth), for the Director	Unled	Clayton Utz
<i>Re a Director and ASIC</i> [2022] AATA 4395; [2022] AAT 2286 — successful review of a banning order decision in relation to the chair and responsible manager of a financial services entity, for the director	Unled against silk	Herbert Smith Freehills

## Administrative law

<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>Chaplin v Secretary Department of Social Services</i> [2025] FCAFC 89; <i>Re Secretary, Department of Social Services and FTXB</i> [2024] AATA 3021; (2024) 184 ALD 29 — proceedings concerning aspects of the income test in the <i>Social Security Act 1990</i> (Cth), for the Secretary	S Lloyd SC & D Rowe	Sparke Helmore
<i>Calvary Health Care ACT Ltd v Australian Capital Territory</i> (2023) 20 ACTLR 237; ACTSCFC 1 (Full Court of ACT Supreme Court) — proceedings concerning 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>Charlie on behalf of the North Eastern Peninsula Sea Claim Group v State of Queensland (No 2)</i> [2025] FCAFC 55; [2024] FCA 612 — validity of leases issued under <i>Land Act 1962</i> (Qld), for the Commonwealth	R Webb KC	AGS
<i>X Corp v eSafety Commissioner</i> (ART, reserved) — proceedings concerning statutory reporting notices issued to X in relation to terrorist and violent extremist material, for the Commissioner	S Lloyd SC & T Maybury	AGS

## Environmental law and climate change

<i>Environment Council of Central Queensland Inc v Minister for the Environment and Water</i> [2024] HCSL 201 (Special Leave), (2024) 304 FCR 1; FCAFC 56; [2024] FCAFC 97 (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>Rainforest Reserves Australia Inc v Minister for the Environment and Water</i> [2025] FCA 532 — proceedings involving a challenge to an approval for a wind farm in Queensland, for the proponent	R Lancaster SC & L Sims	Herbert Smith Freehills
<i>Bob Brown Foundation Inc v Minister for the Environment and Water</i> (Federal Court, ongoing) — proceedings concerning federal environmental approvals for salmon farming in Macquarie Harbour, for the Minister	S Lloyd SC	Clayton Utz

<i>Cooper v Minister for the Environment and Water</i> (Federal Court, ongoing) — proceedings concerning an application to declare certain rock art in North Western Australia under the ATSIHP Act, for the Minister	P Knowles SC & O Ronan	AGS
<i>The Wilderness Society Inc v Minister for the Environment and Water</i> (Federal Court, ongoing) — proceedings concerning listing decisions in respect of certain threatened species, for the Minister	R Lancaster SC	AGS
<i>Murray Lower Darling Rivers Indigenous Nations v Minister for the Environment and Water</i> (Federal Court, reserved) — proceedings challenging NSW Fractured Rock Water Resource Plan, for the Minister	F Gordon KC & L Moretti	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>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

### **Taxation and revenue**

<i>Singapore Telecom Australia Investments Pty Ltd v Commissioner of Taxation</i> [2024] HCA Trans 74 (Special Leave); [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 \$14.2 billion acquisition of Optus, for the Commissioner of Taxation	C Burnett SC & A Lyons (M Richmond SC at first instance)	AGS
<i>Hedges v Commissioner of Taxation</i> (2023) 117 ATR 57; FCAFC 105 — 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>Hyundai Steel Company v Minister for Industry and Science</i> (Federal Court, ongoing) — proceedings concerning anti-dumping measures under the <i>Customs Act 1901</i> (Cth) in respect of steel, for the Minister	S Lloyd SC & O Ronan	AGS
<i>Press Metal Aluminium v Minister for Industry and Science</i> (Federal Court, ongoing) — proceedings concerning anti-dumping measures under the <i>Customs Act 1901</i> (Cth) in respect of aluminium, for the Minister	S Lloyd SC	AGS

### **Royal commissions and inquiries**

<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)