

MATT SHERMAN

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 and commercial

	With	Instructors
<i>R and N Hunter Pty Ltd v Count Financial Ltd</i> [2025] FCA 544; (Full Court, reserved) — grandfathered commissions, financial advice, fiduciary duties, best interest duty and conflict rule, for Count/CBA	E Collins SC, P Meagher & J Birrell	Clayton Utz
<i>Pabai v Commonwealth</i> (2025) 264 LGERA 230; [2025] FCA 796 (Full Court, ongoing) — class action on behalf of Torres Strait Islanders alleging duty of care in relation to the setting of Australia's emissions reduction targets under the Paris Agreement, for the Commonwealth	S Lloyd SC, Z Maud SC, A Lyons, M Salinger	AGS
<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	S Lloyd SC, J Davidson & B Green	Crown Solicitor's Office
<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>J Wisbey & Associates Pty Ltd v UBS AG</i> [2024] FCA 147; [2021] FCA 36 — 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 Mallesons
<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>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; [2020] 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 Mallesons

Regulatory

<i>Cruickshank v ASIC</i> [2022] HCASL 201 (Special Leave); (2022) 292 FCR 627; 403 ALR 67; 163 ACSR 226; [2022] 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 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 under the <i>Regulatory Powers (Standard Provisions) Act 2014</i> (Cth) for 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> [2026] HCA 22; (2025) 311 FCR 44; 187 ALD 1; [2025] FCAFC 89 (Full Court); <i>Re Secretary, Department of Social Services and FTXB</i> [2024] AATA 3021; (2024) 184 ALD 29 (ART) — proceedings concerning the income test in the <i>Social Security Act 1991</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 v State of Queensland (No 2)</i> (2025) 309 FCR 345; [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> [2025] ARTA 2230 — 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
<i>Central Land Council v Brett</i> [2025] FCA 1227 — Federal Court's jurisdiction to make orders prior to commencement of proceedings to facilitate access to land, for the Commonwealth	Unled	AGS
<i>Culleton & Peers v Bennett</i> (Supreme Court, ongoing) — acting for the Commonwealth as intervener in proceedings brought against High Court officers, for the Commonwealth	Unled	AGS
<i>Re Estate of SZHYT</i> [2026] ARTA 140; (2026) 189 ALD 200 — Guidance and Appeals Panel proceedings concerning superannuation sheltering strategies for recipients of aged care pension, for the Secretary	Unled	Sparke Helmore
<i>Re Ke Kelaart Security and ASQA</i> [2025] ARTA 2398 and <i>Re Frontier Training and ASQA</i> [2025] ARTA 2634 – cases involving deregistered education providers, for ASQA	Unled	AGS

Environmental law and climate change

<i>Australian Conservation Foundation v Minister for the Environment and Water</i> (Federal Court, ongoing) — challenge to approval and reconsiderations decision for North West Shelf Project, for the Minister	S Lloyd SC & M Jackson	AGS
<i>ECCQ v Minister for the Environment and Water</i> [2024] HCASL 201 (Special Leave); (2024) 304 FCR 1; [2024] FCAFC 56; [2024] FCAFC 97 (Full Court); (2023) 413 ALR 318; [2023] FCA 1208; (first instance) — challenge to projects based on alleged climate impacts, for the Minister	S Lloyd SC & M Aguinaldo	AGS
<i>Cooper v Minister for the Environment and Water</i> (2025) 311 FCR 566; (2025) 189 ALD 32; [2025] FCA 1009 — proceedings concerning an application to declare certain rock art in North West Australia under the ATSIHP Act in the context of World Heritage Listing, for the Minister	N Wood SC & O Ronan (previously P Knowles SC)	AGS
<i>Rainforest Reserves Australia Inc v Minister for the Environment and Water</i> (2025) 311 FCR 98; [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>Murray Lower Darling Rivers Indigenous Nations v Minister for the Environment and Water</i> (2025) 312 FCR 243; [2025] FCA 1029; [2025] FCA 1037 — challenge to water resource plan, for the Minister	F Gordon KC & L Moretti	AGS
<i>Bob Brown Foundation Inc v Minister for the Environment and Water</i> (Federal Court, concluded) — mandamus proceedings concerning federal approvals for salmon farming in Macquarie Harbour, for the Minister	S Lloyd SC	Clayton Utz
<i>NWTAS for Clean Oceans Inc v Minister for the Environment</i> (Federal Court, ongoing) — further proceedings concerning federal approvals for salmon farming in Macquarie Harbour, for the Minister	S Lloyd SC	Clayton Utz
<i>Australian Conservation Foundation Inc v Woodside Energy Ltd</i> (Federal Court, concluded) — proceedings regarding alleged climate change impacts from Woodside's Scarborough Gas Project, for the Minister	S Lloyd SC	AGS
<i>Australian Conservation Foundation Inc v Minister for the Environment</i> (2021) 390 ALR 157; 174 ALD 286; [2021] FCA 550 — judicial review proceedings concerning the EPBC Act water trigger, for Adani	S Lloyd SC	Ashurst
<i>Seadragon Offshore Wind Pty Ltd v Minister for Climate Change and Energy</i> (2024) 306 FCR 69; [2024] FCA 1290 — proceedings concerning auction and licensing process for offshore windfarms under the <i>Offshore Electricity Infrastructure Act 2021</i> (Cth), for the Minister	P Herzfeld SC & J Wherrett	AGS
<i>Local Democracy Matters Inc v Infrastructure NSW</i> (2019) 367 ALR 733; 237 LGERA 74; [2019] 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>Lord v Broken Hill Cobalt Project Pty Ltd</i> [2024] NSWCA 305 — proceedings regarding the scope of a remitter in relation to compensation for access to land for mining purposes, for Mr Lord	L Gyles SC	Harris Friedman
<i>Gloucester Resources Ltd; Stratford Coal Pty Ltd v Minister for Planning</i> (2019) 234 LGERA 257; [2019] NSWLEC 7 & 8 — appeal concerning an open cut coal mine near the town of Gloucester, for the Minister	K Stern SC & T Phillips	Department of Planning
<i>Perpetual Trustee Company Ltd v Secretary of Department of Customer Service</i> [2026] NSWLEC 1303 — proceedings concerning a Stop Work Order issued by the NSW Building Commission in relation to a student accommodation project as a result of subsidence, for Perpetual	Unled	Herbert Smith Freehills Kramer
<i>Jubilee Australia Research Centre Ltd v Export Finance and Insurance Corporation</i> (Federal Court, concluded) — 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

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; [2021] FCA 1597 (first instance) — tax, transfer pricing, intercompany finance for SingTel’s \$14.2 billion acquisition of Optus, for the Commissioner	C Burnett SC & A Lyons (M Richmond SC at first instance)	AGS
<i>Hedges v Commissioner of Taxation</i> (2023) 117 ATR 57; [2023] FCAFC 105 — appeal concerning whether payments made to a partner on his retirement from a law firm were made for goodwill, for the taxpayer	C Peadon	Walker Hedges
<i>Hyundai Steel Company v Minister for Industry and Science</i> (Federal Court, reserved) — 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>Zhang v Commissioner of Taxation</i> [2025] FCA 1230 — proceedings concerning the interaction between State limitation periods and provisions of the TAA 1953 concerning taxation debts, for the Commissioner	Unled	AGS
<i>Re Atom Software and Commissioner of Taxation</i> (ART, Ongoing) — proceedings concerning exemptions in relation to Single Touch Payroll reporting, for the Commissioner	L Livingston SC	AGS
<i>Re Taxpayer and Commissioner of Taxation</i> (ART, Concluded) — acted for the ATO in a matter concerning the tax deductibility of legal expenses incurred in litigation, for the Commissioner	Unled	AGS
<i>Re Taxpayer and Commissioner of Taxation</i> (ART, Concluded) — acted for the ATO in a matter concerning tax residence and the application of capital gains tax exceptions, for the Commissioner	Unled	AGS
<i>Stevens v Deputy Commissioner of Taxation</i> (District Court, concluded) — acted for the ATO in a matter concerning director penalty notices and the validity of certain assessments, for the Deputy Commissioner	Unled	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) Hearing Blocks	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 the former head of its government practice in relation to evidence given to the Commission, appeared at Hearing Block 4	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 a voluntary statement to the Special Commission of Inquiry	R C A Higgins SC & J Davidson	AGS
<i>Royal Commission on Antisemitism and Social Cohesion</i> — acting as counsel assisting the Royal Commission on Antisemitism and Social Cohesion. Appeared as counsel assisting at Round 3 Hearing Block (Online Environment, Social Media and Traditional Media) and Round 4 Hearing Block (Universities)	R Lancaster SC, Z Heger SC, T Phillips, J Taylor, E Jones, C Beshara, D Rowe, J Petry	Office of Solicitor Assisting

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)