

**MATTHEW PUDOVSKIS**  
**CURRICULUM VITAE**

**CONTACT DETAILS**

Francis Burt Chambers  
Level 15 Allendale Square  
77 St Georges Terrace  
PERTH WA 6000

P: 08 9220 0551

M: 0400 411 745

E: mpudovskis@francisburt.com.au

**ADMISSIONS**

- Supreme Court of Western Australia (2 March 2006).
- High Court of Australia (2011).

**PROFESSIONAL HISTORY**

**Barrister, Francis Burt Chambers (April 2019 – present)**

- Advising and appearing in courts and tribunals in relation to a range of civil and public law matters, presently focussing on the areas of mining, native title, Aboriginal heritage, land tenure, environment, migration, and planning law.

**Assistant State Solicitor, State Solicitor's Office (July 2007 – April 2019)**

- Member of the Native Title State Lands and Environment groups, where my work mainly comprised advising the State government in relation to native title, mining and petroleum, Aboriginal heritage and environmental matters and the interaction between these areas, and appearing in the Federal Court of Australia and the National Native Title Tribunal in relation to native title matters.
- Other significant work included:
  - Junior counsel in applications for judicial review under the *Administrative Decisions (Judicial Review Act) 1977* (Cth) in respect of the registration of Indigenous Land Use Agreements.
  - Negotiating and drafting Indigenous Land Use Agreements for the creation of conservation estate in the Kimberley region of Western Australia.
  - Assisting with a compulsory acquisition matter in the State Administrative Tribunal.

- Single judge appeals in the Supreme Court of Western Australia.
- Regulatory prosecutions in the Magistrate’s Court of Western Australia.
- Advising the Western Australia Stolen Wages Taskforce – see “Reconciling the Past: Government Control of Aboriginal Monies in Western Australia, 1905-1972” [2008] IndigLRes 3.

**Articled clerk and solicitor, Blake Dawson Waldron (February 2005 – July 2007)**

- Advising corporate and government clients on the operation of environmental, heritage, native title, mining and Crown land access laws with respect to resources and infrastructure projects.
- Drafting environmental due diligence reports.
- Reviewing and advising on Indigenous Land Use Agreements and commercial agreements.

**Lexis Nexis (November 2014) –**

- Author of the Lexis Nexis “Native Title – Foreign Jurisdictions” guidecard.

**APPEARANCES AS COUNSEL IN SUPERIOR COURTS**

**High Court of Australia**

- *Dale v State of Western Australia* [2011] HCATrans 332 (9 December 2011) – led by George Tannin SC – application for special leave to appeal from order dismissing native title determination application.

**Full Court of the Federal Court of Australia**

- *Manado v Western Australia* (2018) 265 FCR 68; (2018) 364 ALR 337; [2018] FCAFC 238 – led by Griff Ranson SC – appeals from a native title determination.
- *Banjima People v Western Australia* (2015) 231 FCR 456; [2015] FCAFC 84 – led by Ken Pettit SC – appeals a from native title determination.
- *Cheedy v Western Australia* (2011) 194 FCR 562; [2011] FCAFC 100 – led by Barry King – appeal from a primary judge decision dismissing appeal from determinations of the National Native Title Tribunal.
- *Dale v Western Australia* (2011) 191 FCR 521; [2011] FCAFC 46 – led by Griff Ranson SC – appeal from primary judge decision dismissing a native title application because it disclosed no reasonable cause of action.

## Federal Court of Australia (single judge)

- *Champion v Western Australia (No 2)* [2022] FCA 65 (Bromberg J) – application to amend native title claim group description and to replace applicant under s 66B of the *Native Title Act 1993* (Cth).
- *Champion v Western Australia* [2020] FCA 1175 (Bromberg J) – application to inspect anthropological reports from another native title proceeding.
- *Prior v South West Aboriginal Land and Sea Council Aboriginal Corporation* [2020] FCA 808 (McKerracher J) – application for summary dismissal of application for judicial review of decision to register ILUAs concerning South-West Settlement.
- *Ashwin on behalf of the Wutha People v State of Western Australia (No 4)* (2019) 369 ALR 1; [2019] FCA 308 (Bromberg J) – led by Daniel O’Gorman SC – trial on the merits of the Wutha native title application.
- *Stock on behalf of the Nyiyaparli People v State of Western Australia (No 5)* [2018] FCA 1453 (Barker J) – consent determination of the Nyiyaparli native title applications.
- *Stock on behalf of the Nyiyaparli People v State of Western Australia (No 3)* [2018] FCA 1306 (Barker J) – joinder application.
- *Stock on behalf of the Nyiyaparli People v State of Western Australia (No 2)* [2018] FCA 1091 (Barker J) – joinder application.
- *Warrie (formerly TJ) (on behalf of the Yindjibarndi People) v State of Western Australia (No 2)* [2017] FCA 1299 (Rares J) – determination of the Yindjibarndi #1 native title application.
- *Lyndon on behalf of the Budina People v State of Western Australia* [2017] FCA 1214 (Griffiths J) – consent determination of the Budina native title application.
- *Warrie (formerly TJ) (on behalf of the Yindjibarndi People) v State of Western Australia* (2017) 365 ALR 624; [2017] FCA 803 (Rares J) – led by Daniel O’Gorman SC – trial on the merits of the Yindjibarndi native title claim.
- *Peterson on behalf of the Wunna Nyiyaparli People v State of Western Australia* [2016] FCA 1528 (White J) – hearing on separate question under r 30.01 of the *Federal Court Rules 2011* (Cth) regarding apical ancestors.
- *Hughes on behalf of the Eastern Guruma People v State of Western Australia (No 3)* [2016] FCA 840 (Gilmour J) – application for leave to appeal from dismissal of a native title application.
- *TJ (on behalf of the Yindjibarndi People) v State of Western Australia* [2016] FCA 553 (Rares J) – application for summary judgment striking out an overlapping native title application.
- *TJ (on behalf of the Yindjibarndi People) v State of Western Australia (No 4)* [2016] FCA 231 (McKerracher J) – application to set aside subpoenas.

- *TJ (on behalf of the Yindjibarndi People) v State of Western Australia (No 3)* [2015] FCA 1359 (Rares J) – objections to evidence (passages in expert anthropological report).
- *Wintawari Guruma Aboriginal Corporation RNTBC v Western Australia* (2015) 238 FCR 428; [2015] FCA 1053 (Rares J) – led by Griff Ranson SC – application by prescribed body corporate for variation of consent determination to include land not claimed in original application.
- *Sambo v State of Western Australia* [2015] FCA 954 (Barker J) – dismissal of claimant application under s 190F(6) of the *Native Title Act 1993* (Cth).
- *TJ (on behalf of the Yindjibarndi People) v State of Western Australia* (2015) 242 FCR 283; [2015] FCA 818 (Rares J) – application to replace applicant under s 66B of the *Native Title Act 1993* (Cth).
- *FMG Pilbara Pty Ltd v Yindjibarndi Aboriginal Corporation RNTBC* (2014) 227 FCR 182; [2014] FCA 1335 (McKerracher J) – appeal from a determination of the National Native Title Tribunal.
- *Banjima People v Western Australia (No 2)* (2013) 305 ALR 1; [2013] FCA 868 (Barker J) – led by Ken Pettit SC – decision on the Banjima native title application following on-country trial, including on extinguishment of native title.
- *Cheedy on behalf of the Yindjibarndi People v State of Western Australia* [2010] FCA 690 (McKerracher J) – led by Griff Ranson – appeal from two determinations of the National Native Title Tribunal.
- *James v State of Western Australia* [2009] FCA 1262 (McKerracher J) – led by Raelene Webb QC – referral of a question of law from the National Native Title Tribunal.

### **Supreme Court of Western Australia**

- *Smart v Sloane* [2019] WASC 35 (Allanson J) – single judge appeal from decision of Magistrate’s Court of Western Australia in relation to sentencing on criminal conviction.

### **PROFESSIONAL ASSOCIATIONS**

- Bar Association of Western Australia.
- Energy and Resources Law Association (formerly the Australian Mining and Petroleum Law Association).
- Australian Institute of Administrative Law.
- Law Society of Western Australia.
- National Environmental Law Association.
  - Member of WA branch committee 2006 – 2012.

## **ACADEMIC QUALIFICATIONS**

### **Master of Laws (2013) (University of British Columbia (Vancouver))**

- Thesis entitled “Traditional Ecological Knowledge and Environmental Governance in Canada: The Role of Law and Comprehensive Agreements in Facilitating Incorporation” was the winner of the Dean’s Prize for the best LLM thesis completed in 2013.

### **Bachelor of Laws with First Class Honours (2005) (University of Western Australia)**

- Allens Arthur Robinson Trust Law Prize (2004).
- Butterworths prize in law (2003).
- Dean’s Certificate in Environmental Law (Australian National University) (2003)).

### **Bachelor of Science (Environmental Science) with First Class Honours in Zoology (2001) (University of Western Australia)**

- Majors in zoology and botany.
- Janice Klumpp Award (2000).
- W. E. Blackall Prize in Botany (1999).

## **PRESENTATIONS AT CONFERENCES/WORKSHOPS/SEMINARS**

- “Balancing Potential Harm and Open Court Principles in Marlinyu Ghoorlie Native Title Claim” (with David Yarrow) – BenchTV (video published 27 October 2021).
- “Native Title caselaw update” – Legalwise Native Title Law Conference 2021 (16 June 2021).
- “Understanding and Working with Privileges Applying to Government” – Legalwise Litigation Issues for All Government Lawyers seminar, Perth (18 March 2020).
- “Information Release: FOI and Privacy Considerations” – Legalwise Information Law for Government seminar, Perth (17 September 2019).
- “Native title caselaw update” – Legalwise 9th Annual Native Title Law Conference, Perth (13 June 2019).
- “Native Title and Water Resources in Western Australia” – Water Resources Law workshop at the University of Western Australia, Perth (28 May 2019).
- “Native Title and Water Resources in Western Australia” – Water Resources Law workshop at the University of Western Australia, Perth (27 September 2017).
- “Indigenous Land Use Agreements and Joint Management of the Eighty-mile Beach Marine Park, Western Australia” – Joint workshop of the University of Tasmania

Institute of Marine and Antarctic Studies (IMAS) and the Australian National University in Hobart on “Indigenous Peoples and Saltwater/Freshwater Governance for a Sustainable Future” (11 – 12 February 2016).

- “Native Title and Water Resources in Western Australia” – Water Resources Law workshop at the University of Western Australia, Perth (9 April 2015).
- “Native Title and Water Resources in Western Australia” – Water Resources Law workshop at the University of Western Australia, Perth (29 February 2012).
- Environmental laws with respect to biodiversity conservation – Kwongan Colloquium 2009 on “Biodiversity in the Wheatbelt”, hosted by the University of Western Australia School of Plant Biology at York, Western Australia (12 September 2009).
- Environmental laws with respect to biodiversity conservation – Kwongan Colloquium 2008 on “Biodiversity on the Verge”, hosted by the University of Western Australia School of Plant Biology at the University of Western Australia, Perth (13 September 2008).

#### **PEER-REVIEWED LAW JOURNAL ARTICLES AND CASENOTES**

- Matthew Pudovskis, ‘Casenote: Clark v Minister for the Environment [2019] FCA 2027’ (2020) 39(1) *Australian Resources and Energy Law Journal*.
- Matthew Pudovskis, ‘Casenote: Wintawari Guruma Aboriginal Corporation RNTBC v the Hon Benjamin Sana Wyatt [2019] WASC 33’ (2019) 38(2) *Australian Resources and Energy Law Journal*.
- Matthew Pudovskis, ‘Tsilhqot’in Nation v British Columbia: a ‘game-changer’ for Canada, implications for Australia’ (2014) 29(7) *Australian Environment Review* 204.
- Matthew Pudovskis, ‘Application for Orders Nisi for Judicial Review of Warden’s Decision’ (2006) 25(3) *Australian Resources and Energy Law Journal* 261.
- Matthew Pudovskis and Jean Bursle, ‘Warden’s Powers under the 1904 Mining Act’ (2006) 25(2) *Australian Resources and Energy Law Journal* 127.
- Lucas Wilk, Sally Marsh and Matthew Pudovskis, ‘Construction of State Agreements – Proposal to Modify, Expand or Otherwise Vary an Approved Proposal’ (2005) 24(2) *Australian Resources and Energy Law Journal* 144.

#### **OTHER ARTICLES AND CASENOTES**

- Matthew Pudovskis, ‘Western Australia v Manado’ (2020) 13(7) *Native Title News* 138.