

RICHARD SCRUBY SC

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OVERVIEW

Mr Scruby has a broad ranging practice with a general focus on equity, commercial, corporations and taxation matters and appears in appellate and trial courts, various tribunals and commissions of inquiry. He was appointed silk in 2017.

Mr Scruby regularly acts in commercial and equity matters, including frequently for directors defending breach of duty claims. He has been briefed for plaintiffs and defendants in relation to a number of major corporate insolvencies, including the Halifax group, the Hastie group Babcock & Brown, BBY Ltd, Courtenay House and MF Global. He has appeared for and against ASIC and the ACCC in various regulatory matters. He appears frequently for the Commissioner of Taxation in various jurisdictions. In 2015 he was counsel assisting the Royal Commission into Trade Union Corruption. He has been briefed for and against mining companies, including Glencore, Rio Tinto and BHP, in relation to royalty and development disputes.

Before coming to the bar, he worked as an associate to Justice Callinan in the High Court of Australia. He has a BCL and MPhil from Oxford University and a BA (hons 1st class and university medal in English) and LLB (hons first class) Sydney University.

Mr Scruby has adopted the national equitable briefing policy and was a member of the Diversity and Equality Committee of the New South Wales Bar Association from 2016 to 2018.

RECENT CASES

Recent appearances that have proceeded to judgment include:

- Various cases defending directors against claims of different kinds: *DIF III Global Coinvestment Fund v Babcock & Brown International Pty Ltd* [2019] NSWSC 527; *Krupace Holdings Ltd v China Hotel Investments Pty Ltd* [2018] NSWSC 862; *Hurford Hardwood Kempsey Pty Ltd v Kempsey Timbers (Sawmilling) Pty Ltd (No 5)* [2020] NSWSC 287.
- Various hearings in the Union Standard Group liquidation, including most recently *Krejci, in the matter of Union Standard International Group Pty Limited (in liq)* [2021] FCA 1483

- *Re Halifax Investment Services Pty Ltd* (2021) 390 ALR 669 (pooling application).
- Various hearings in the Courtenay House liquidation including: *Re Courtenay House Capital Trading Group* (2020) 147 ACSR 1; (2019) 139 ACSR 469; (2018) 133 ACSR 451.
- Various regulatory matters, including *ASIC v Bank of Queensland* (2021) 155 ACSR 468; *ACCC v Decathlon (Australia) Pty Ltd* [2021] FCA 964; *ASIC v Bendigo and Adelaide Bank* [2020] FCA 716; *ACCC v Servcorp* [2018] FCA 1044; *Australian Competition and Consumer Commission v Viagogo AG (No 2)* [2019] FCA 907.
- Various tax matters, including *Deputy Commissioner of Taxation v Demian* (2018) 108 ATR 356; *Price v Commissioner of Taxation* [2019] FCA 543.
- Various insurance matters: *Mobis Parts Australia Pty Ltd v XL Insurance Company SE (No 7)* [2017] NSWSC 1321; *T & T Investments Pty Ltd v CGU Insurance Ltd* [2016] NSWCA 227.
- Miscellaenous corporate and insolvency matters: *Re Lorebray* (2021) 155 ACSR 443; *Decon Australia Pty Ltd v TFM Epping Land Pty Ltd* [2020] FCA 1085 *Re BBY Limited (Receivers and Managers Appointed) (in liq)* [2022] NSWSC 29; *Re FW Projects Pty Limited (in liquidation)* [2019] NSWSC 892.
- Other: *Obeid v Ipp* (2018) 98 NSWLR 258; (2016) 338 ALR 234 (tort/public law).

Publications

“Reflective loss and the policy of the law” (forthcoming, Australian Bar Review).

“Contracting out of Statutory Prohibitions against misleading or deceptive conduct” (2019) 47 Australian Bar Review 181.

(co-authored with Brenda Tronson) “Some recent statistics on women at the New South Wales Bar”, [2018] (Summer) Bar News 50-54.