

RICHARD SCRUBY SC

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OVERVIEW

Richard Scruby SC 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.

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 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 mining companies, including Glencore, Rio Tinto and BHP, in relation to royalty and development disputes. He was appointed silk in 2017.

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 hearings in the Courtenay House liquidation including: *Re Courtenay House Capital Trading Group* [2020] NSWSC 780; (2019) 139 ACSR 469; (2018) 133 ACSR 451.
- *ASIC v Bendigo and Adelaide Bank* [2020] FCA 716 (regulatory)
- *Hurford Hardwood Kempsey Pty Ltd v Kempsey Timbers (Sawmilling) Pty Ltd (No 5)* [2020] NSWSC 287 (defending director against personal costs order)

- *DIF III Global Coinvestment Fund v Babcock & Brown International Pty Ltd* [2019] NSWSC 527 (directors' duties).
- *Price v Commissioner of Taxation* [2019] 543 (Tax)
- *Deputy Commissioner of Taxation v Demian* (2018) 108 ATR 356 (Tax: freezing order)
- *ACCC v Servcorp* [2018] FCA 1044 (regulatory)
- *Krupace Holdings Ltd v China Hotel Investments Pty Ltd* [2018] NSWSC 862 (directors' duties)
- *Obeid v Ipp* (2018) 98 NSWLR 258 (tort/public law)
- *Mobis Parts Australia Pty Ltd v XL Insurance Company SE (No 7)* [2017] NSWSC 1321 (commercial, insurance)
- Various applications in the insolvency of Kevin Jacobsen Pty Ltd, including: *Re Kevin Jacobsen Pty Ltd (in liq)* (2016) 113 ACSR 277; *Jacobsen v Jacobsen* [2017] NSWSC 1590.
- *T & T Investments Pty Ltd v CGU Insurance Ltd* [2016] NSWCA 227 (commercial/insurance).