

## Rudi Kruse



Rudi Kruse practises in public and commercial law

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### QUALIFICATIONS

Juris Doctor (Melb)  
Bachelor of Science (Syd)  
Bachelor of Arts (Syd)

### CORRESPONDENCE

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### CHAMBERS

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### COMMERCIAL LAW

Appellate | Competition | Consumer Law | Contractual Disputes | Corporations & Securities | Equity & Trusts

### TORT LAW

Appellate | Common Law | Professional Negligence

### PUBLIC LAW

Administrative Law | Appellate | Civil & Human Rights | Constitutional Law | Judicial Review | Native Title | Planning & Local Government

Rudi acts for companies, regulators and government agencies in commercial, public and regulatory matters. He also acts in a broad range of native title and Aboriginal land rights matters across Australia for government parties, representative bodies and claimants. He has appeared in the High Court, Federal Court and State and Territory Supreme Courts at trial and appellate level, both led and unled. Rudi is ranked as a leading junior in commercial disputes by The Legal 500.

A selection of cases in which he has been briefed is listed below.

Rudi advises Federal, State and Territory governments and agencies, and private entities, on a range of complex issues in commercial and regulatory law, constitutional law, administrative law, Aboriginal land rights and equity and trusts.

Before coming to the Bar, Rudi was an associate to the Hon Justice Hayne AC at the High Court of Australia (2014–2015), an associate to the Hon Justice McLeish at the Victorian Court of Appeal (2015), the Researcher to the Solicitor-General for Victoria (then Stephen McLeish SC) (2013–2014), and a solicitor at Minter Ellison (2011–2013). He is a graduate of the University of Melbourne (2010), where he received several academic prizes and scholarships and was an editor of the Melbourne University Law Review.

Rudi was a reporter for the Commonwealth Law Reports from 2016 to 2023. He read with Michael Borsky KC.

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## Recent Cases

[\*Australian Securities and Investments Commission v Regional Express Holdings Limited \(ongoing\)\*](#) (led by M Borsky KC, for ASIC against Rex Airlines and directors). Corporations law – continuous disclosure – misleading conduct – directors' duties.

[\*Australian Securities and Investments Commissioner v TerraCom Limited \(ongoing\)\*](#) (led by M Borsky KC with N Moncrief, for ASIC). Corporations law – whistleblowers – detriment – false or misleading publications.

[\*Briggs on behalf of the Boonwurrung People v State of Victoria \(ongoing\)\*](#) (led by R Webb KC, for the State of Victoria). Native title - contested application – identification of apical ancestors – membership rules.

[\*Harvey v Minister for Primary Industry and Resources\*](#) [2024] HCA 1 (led by S Glacken KC, for the appellants). Native title – mining – statutory construction – procedural rights of native title holders.

[\*Australian Securities and Investments Commission v iSignthis Limited\*](#) [2024] FCA 669 (led by M Borsky KC, for ASIC). Corporations law – continuous disclosure – misleading conduct – directors' duties.

[\*Northern Territory of Australia v Aboriginal Land Commissioner\*](#) [2023] FCA 1183 (led by R Webb KC, for the Northern Territory). Administrative law – Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) – whether the bed of an estuary is "land in the Northern Territory".

[\*Austin on behalf of the Eastern Maar People v State of Victoria\*](#) [2023] FCA 237 (unled, for the Eastern Maar People). Native title - consent determination of native title in Victoria – ongoing disputed area of overlap.

[\*Aboriginal Areas Protection Authority v Director of National Parks\*](#) [2022] NTSCFC 1 (S Glacken KC, for the Northern Land Council). Constitutional law – whether the Commonwealth Director of National Parks could be criminally liable under Northern Territory Aboriginal Sacred Sites Act 1989 (NT).

[\*Mawhinney v Australian Securities and Investments Commission\*](#) [2022] FCAFC 159 (unled, for Ashurst Australia). Corporations law – whether appellant denied procedural fairness – allegations against appellant's previous solicitors.

[\*Woodcock & Woodcock \(No 2\)\*](#) [2022] 65 Fam LR 333 (led by L Glick KC, for the wife). Family law – statutory construction – whether husband's rights under discretionary trusts are "property" and capable of valuation.

[\*Northern Land Council v Quall\*](#) [2020] HCA 33 (led by S Glacken KC, for the appellants). Native title – statutory construction – certification functions of representative Aboriginal/Torres Strait Islander bodies.

[\*Bald Hills Wind Farm Pty Ltd v South Gippsland Shire Council\*](#) [2020] VSC 512 (led by J Pizer KC, for the Bald Hills Wind Farm). Administrative law – Public Health and Wellbeing Act 2008 (Vic) – review of Council decision of nuisance due to noise from wind farm.

[\*McCrohan Super Investments Pty Ltd v Ashdown\*](#) [2018] VSC 422 (led by B Quinn KC, for the plaintiffs). Consumer law – misleading conduct – agreement to purchase shares.

[\*Timbercorp Finance Pty Ltd v Collins\*](#) [2016] VSC 776 (led by D Farrands KC, for defendants). Corporations law - managed investment scheme – test cases – recovery of scheme loans.

## Memberships

Commercial Bar Association

Australian Association of Constitutional Law