LIST G
BARRISTERS

Rudi Kruse



Rudi Kruse practises in public and commercial law

QUALIFICATIONS

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

CORRESPONDENCE

P 03 9225 8558
F 03 9225 8668
E kruse@vicbar.com.au

CHAMBERS

Aickin Chambers
Level 23 Room 16
200 Queen Street
Melbourne VIC 3000

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 advises and appears for corporations, regulators, government bodies, and private parties in commercial, public, and regulatory matters. He appears in courts and tribunals across Australia at both trial and appellate level.

His practice spans a broad range of commercial and public law disputes, with particular expertise in corporations matters, regulatory investigations and proceedings involving ASX-listed entities, as well as Aboriginal land rights and native title matters. He is recognised by *The Legal 500* as a Leading Junior in Commercial Disputes.

Prior to joining the Bar, Rudi was an Associate to Justice Hayne at the High Court of Australia and an Associate to Justice McLeish at the Victorian Court of Appeal. He also served as Researcher to the Solicitor-General for Victoria and practised as a solicitor at MinterEllison.

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

Liability limited by a scheme approved under Professional Standards Legislation

Recent Cases

High Court

Harvey v Minister for Primary Industry and Resources (2024) 278 CLR 116 / [2024] HCA 1 (led by S Glacken KC, for the native title holders). Native title – mining – statutory construction – procedural rights of native title holders.

Northern Land Council v Quall (2020) 271 CLR 394 / [2020] HCA 33 (led by S Glacken KC, for Northern Land Council). Native title – statutory construction – certification functions of representative Aboriginal/Torres Strait Islander bodies.

Appellate Courts

Mawhinney v Australian Securities and Investments Commission (2022) 294 FCR 375 / [2022] FCAFC 159 (unled, for Ashurst Australia). Corporations law – whether appellant denied procedural fairness – allegations against appellant's previous solicitors.

Harvey v Minister for Primary Industry and Resources (2022) 291 FCR 263 / [2022] FCAFC 66 (led by S Glacken KC, for the native title holders). Native title – mining – statutory construction – procedural rights of native title holders.

Aboriginal Areas Protection Authority v Director of National Parks [2022] NTSCFC 1 (led by 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).

Northern Land Council v Quall (No 3) [2021] FCAFC 2 (led by S Glacken KC, for the Northern Land Council). Native title – certification functions of representative Aboriginal/Torres Strait Islander bodies – leave to adduce further evidence –

Federal Court

Austin on behalf of the Eastern Maar People v State of Victoria [2026] FCA 1054; (no 1) [2023] FCA 237 (led by J Waters SC (lay evidence); unled (expert evidence and argument) for the Eastern Maar People). Native title - consent determination of native title in Victoria – ongoing disputed area of overlap.

Australian Securities and Investments Commissioner v TerraCom Limited [2025] FCA 726 (led by M Borsky KC

with N Moncrief, for ASIC). Corporations law – whistleblowers – detriment – false or misleading publications.

Fagan on behalf of the Wadawurrung Native Title Claim v State of Victoria [2025] FCA 1011 (ongoing) (unled, for Eastern Maar and other respondents) Native title - contested native title application – identification of apical ancestors – boundaries.

Briggs on behalf of the Boonwurrung People v State of Victoria [2025] FCA 279; [2024] FCA 288 (ongoing) (led by R Webb KC, for the State of Victoria). Native title - contested application – identification of apical ancestors – membership rules.

Australian Securities and Investments Commission v iSignthis Limited [2024] FCA 669; [2025] FCA 197 (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".

Friday v Minister for Primary Industry and Resources [2021] FCA 794 (led by S Glacken KC, for the native title holders) Native title – mining – statutory construction – procedural rights of native title holders.

State and Territory Supreme Courts

Australian Securities and Investments Commission v Regional Express Holdings Limited [2026] NSWSC 756 (led by M Borsky KC, with A Garsia, for ASIC against Rex Airlines and directors). Corporations law – continuous disclosure – misleading conduct – directors' duties.

Tricarico v Victorian Legal Services Board [2025] VSC 242; [2025] VSC 189 (led by S Senathirajah KC) Administrative law – Legal Profession Uniform Law (Vic) – Suspension of Australian Practising Certificate.

Smorgon v ES Group Operations Pty Ltd (2021) 64 VR 146 / [2021] VSC 508 (led by L Glick KC, for the trustees) Equity – discretionary trusts – Application by discretionary beneficiary for inspection of trust documents.

Bald Hills Wind Farm Pty Ltd v South Gippsland Shire Council [2020] VSC 512; [2020] VSC 513 (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; [2018 VSC 512] (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.

Other courts

Woodcock & Woodcock (No 2) [2022] 65 Fam LR 333 / [2022] FedCFamC1F 17 (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.

Memberships

Commercial Bar Association

Public Law Bar Association

Australian Association of Constitutional Law