

# GABI CRAFTI

## Barrister



Gabi practises in commercial litigation, particularly in the fields of insurance law and other aspects of financial services law, infrastructure/construction law and professional negligence. Since 2017, she has been recognised annually as one of Australia's best insurance barristers in *Best Lawyers in Australia*, and as one of Victoria's leading construction and infrastructure junior counsel in *Doyles Guide*.

<b>Date of admission:</b>	28 Apr 2003
<b>First signed Bar Roll:</b>	22 Nov 2007
<b>Qualifications:</b>	LLB (Hons); BA
<b>Previous occupation:</b>	Senior Associate, Allens Arthur Robinson Associate to the Hon. Justice Weinberg, Federal Court of Australia Lawyer, Mallesons Stephen Jaques Senior Legal Policy Officer, Civil Law Policy, Department of Justice & Regulation (Victoria)

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<b>Clerk</b>	<b>Clerk phone</b>	<b>Chambers phone</b>	<b>Email</b>	<b>Chambers</b>
List G Barristers	+61 3 9225 8558	+61 3 9225 7534	<a href="mailto:gabi.crafti@vicbar.com.au">gabi.crafti@vicbar.com.au</a>	Room 2705 Aickin Chambers 200 Queen Street Melbourne VIC 3000

**RECENT CASES****INSURANCE**

*Andrew Norbury Aircraft Pty Ltd v QBE Insurance (Australia) Limited*: acting unled for insured in Federal Court insurance dispute regarding damage to private aircraft

*Riseley v Suncorp Portfolio Services Limited & Anor*: acting unled for Suncorp in Full Court of Federal Court appeal against decision in [\[2021\] FCA 472](#), in which she appeared unled, regarding review of decision of Superannuation Complaints Tribunal

*Opal Tower*: acted for insurer in insurance dispute in Federal Court, led by Chris Caleo QC, including appearing in *Icon Co (NSW) Pty Ltd v Liberty Mutual Insurance Company Australian Branch* [\[2020\] FCA 1493](#) and on appeal to the Full Court in *Liberty Mutual Insurance Company Australian Branch v Icon Co (NSW) Pty Ltd* [\[2021\] FCAFC 126](#) and in (No. 2) in [\[2021\] FCAFC 131](#)

*Clark v National Australia Bank Limited & Anor*: acted for MLC Limited in Federal Court class action regarding credit card insurance and personal loan insurance, led by Chris Caleo QC, including in [\[2020\] FCA 652](#)

*Macras v Nulis Nominees (Australia) Limited* [\[2018\] FCA 1867](#): acted for MLC Limited in application for review of decision of Superannuation Complaints Tribunal in the Federal Court, unled

*Meticon Homes Pty Ltd v Great Lakes Australia*: acted for commercial house builder in major and long-running Supreme Court dispute with its liability insurer, led by Jeff Gleeson QC, including appearing in [\[2017\] VSC 749](#)

*Miller & Associates Insurance Broking Pty Ltd v BMW Australia Finance Limited* [\(2010\) 241 CLR 357](#): acted for successful appellant in High Court appeal in misleading conduct dispute, led by Jeff Gleeson QC (together with application for special leave and appeal to Victorian Court of Appeal in [\(2009\) 27 VR 243](#))

*TV Mews Pty Ltd v Method Constructions Pty Ltd*: acted for third party insurance broker in significant fire claim in Supreme Court of Victoria, unled

*Melone v AMP Life Limited*: acted unled for AMP Life in Federal Court application for review of decision of Superannuation Complaints Tribunal, discontinued by applicant

*De La Cruz v The Colonial Mutual Life Assurance Society Limited*: acted for respondent in life insurance dispute in Supreme Court of Victoria, led by Jeff Gleeson QC, settled

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Providing advice to insurers and insureds, particularly in respect of:

- complex infrastructure and construction projects, including:
  - Nui Phao Mining Project in Vietnam, led by David Collins QC
  - Metro Tunnel in Victoria, unled
  - Lane Cove Tunnel in New South Wales, led by Chris Caleo QC
- other insurance-related matters, including:
  - the AMP superannuation class action, led by Chris Caleo QC
  - the 2020 cancellation of the Australian Grand Prix, led by Jeff Gleeson QC
  - ASIC section 912C notice for MLC Limited, unled

## CONSTRUCTION AND INFRASTRUCTURE

*Downer EDI Engineering Power Pty Ltd v APA Orbost Gas Plant Pty Ltd*: acting for APA in Supreme Court of Victoria dispute, unled

*Geelong-Bacchus Marsh Road road-widening works*: acting for Head, Transport for Victoria in arbitration regarding dispute with contractor, unled

*Lay & Sons Organization Pty Ltd v Sunbuild Pty Ltd*: acting for plaintiff in \$14 million recovery claim against builder in respect of fire damage to property in Supreme Court of Victoria, led by Chris Caleo QC and leading Conrad Banasik

*Owners Corporation No. 1 PS602497J v Salta Constructions Pty Ltd*: acting for applicant in \$12 million defects claim in VCAT against developer in respect of 150 Clarendon St, East Melbourne, unled

*Owners Corporation No. 1 PS624001U v Fender Katsalidis (Aust) Pty Ltd*: acting for City of Melbourne in VCAT dispute in respect of Little Hero Apartments, Melbourne, unled

*Long Island Properties Pty Ltd v AMMA Steel Works Pty Ltd*: acted for insurer of plaintiff builder in Supreme Court of Victoria proceedings against subcontractor in respect of \$1.5 million in fire damage to property, unled

*West Gate Tunnel Project*: acted for State of Victoria, led by Martin Scott QC

*Jemena Northern Gas Pipeline Pty Ltd v Civec Constructions & Engineering Pty Ltd*: acted for Jemena in \$30 million dispute regarding construction of Northern Gas Pipeline in Northern Territory, led by Hugh Foxcroft QC, including appearing in [\[2019\] NTSC 52](#), unled and [\[2019\] NTSC 54](#), led by Jason Pizer QC

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*Multiplex Constructions Pty Ltd v Aegis Correctional Partnership Pty Ltd*: acted for Multiplex in three-year Supreme Court proceeding regarding construction of Ararat prison, led by Jeff Gleeson QC and leading Brian Mason, settled

*Adelaide City Tramline Extension*: acted for Downer EDI Works Pty Ltd in a dispute with the South Australian Department of Planning, Transport and Infrastructure, led by Jeff Gleeson QC

*Outer Suburban Arterial Roads Western Roads Upgrade Project, Victoria*: advised Amey Consulting Australia Pty Ltd in dispute with WBHO Infrastructure Pty Ltd regarding design services, unled

*Adams v Clark Homes Pty Ltd (Building and Property)* [\[2015\] VCAT 1658](#): acted unled for architect firm which was successful in having case against it summarily dismissed

Acted for principal in dispute regarding construction of a wind farm, led by Jeff Gleeson QC, settled

## CORPORATIONS

*ASIC v Dover Financial Advisors Pty Ltd*: acting for respondents in application for pecuniary penalties in Federal Court, led by Jeff Gleeson QC and leading Karan Raghavan, including in [\(2019\) 140 ACSR 561](#), [\(2019\) 140 ACSR 635](#) and [\(2021\) 150 ACSR 185](#)

*Connective Services Pty Ltd v Lees*: acted for defendant directors in derivative action in the Supreme Court of Victoria, led by Michael Borsky QC (including appearing in *Slea Pty v Connective Services Pty Ltd* [\[2018\] VSC 542](#) and *Slea Pty v Connective Services Pty Ltd* [\[2019\] VSC 201](#))

## BANKING AND FINANCE (NON-INSURANCE)

*Zhou v Cullia*: acting for law firm in multi-party finance dispute in Supreme Court of Victoria, unled

*Ganesh v National Australia Bank Limited* [\[2021\] VSCA 45](#): acted for successful appellant in banking dispute in Victorian Court of Appeal, unled, leading Chris Lum

*Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry*: acted for MLC Limited, led by Chris Caleo QC

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*Noga v GWM Adviser Services Ltd*: acted for AFSL holder in multi-party Federal Court dispute about misappropriation of financial services client funds, unled, settled

*Gusbeth v Westpac Banking Corporation*: acted for Westpac in Supreme Court of Victoria banking dispute, unled

*Rashed v Perpetual Trustees Victoria Ltd* [\[2010\] FCA 1046](#): acted for plaintiff in Federal Court banking dispute, led by Kris Hanscombe QC, settled

## NEGLIGENCE

*Lederberger v Mediterranean Olives Financial Pty Ltd*: acted for law firm on question of professional negligence on appeal to the Victorian Court of Appeal, led by Jeff Gleeson QC

*Kilmore East bushfire class action*: acted for Department of Sustainability and Environment in *Matthews v Ausnet Electricity Services Pty Ltd* in the Supreme Court of Victoria, led by Pat Zappia QC

Acted in various professional negligence proceedings for and against financial services providers (including in separate proceedings led by Maryanne Loughnan QC, Christopher Archibald QC and Jeff Gleeson QC), all settled

## OTHER COMMERCIAL

*Lanhai Pty Ltd v 7-Eleven Stores Pty Ltd*: acting for plaintiff in franchising dispute in Supreme Court of Victoria, leading Conrad Banasik, including in [\[2021\] VSC 587](#)

*Wu v Shi* [\[2019\] VCC 858](#): acted for defendant in sale of business dispute, unled

*Burke v Brunner*: acted unled for plaintiffs in real estate contract dispute in Supreme Court of Victoria, unled

*Drew v Drew*: acted unled for plaintiff in a property dispute in the Supreme Court of Victoria, unled

*Maynard v Moneygram Payment Systems Inc* [\[2018\] VSC 7](#): acted unled for successful respondent in Supreme Court appeal from VCAT in contractual and misleading conduct dispute

*Gu v AHA Pacific Pty Ltd*: acted unled for plaintiff in contractual dispute in the Supreme Court of Victoria, led by Anthony Lo Surdo SC, settled

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