

## Gabi Crafti SC



Gabi Crafti practises in large-scale complex commercial litigation.

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### QUALIFICATIONS

Bachelor of Laws (Hons)  
Bachelor of Arts

### CORRESPONDENCE

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### CHAMBERS

Aickin Chambers  
Level 27 Room 5  
200 Queen Street  
Melbourne VIC 3000

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### COMMERCIAL LAW

Appellate | Banking & Finance | Building & Construction | Class Actions | Contractual Disputes | Insurance

### TORT LAW

Professional Negligence

Gabi acts for clients in a wide range of complex commercial disputes, particularly in the fields of general insurance law and other aspects of financial services law, construction law and professional negligence. She has significant experience in litigation involving major infrastructure projects.

*Liability limited by a scheme approved under Professional Standards legislation*

## Recent Cases

### INSURANCE - COVERAGE

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

*Riseley v Suncorp Portfolio Services Limited & Anor* : acted for Suncorp in Full Court of Federal Court appeal [\[2022\] FCAFC 8](#) against decision in [\[2021\] FCA 472](#), regarding review of decision of Superannuation Complaints Tribunal

*Opal Tower*: acted for insurer in Federal Court indemnity dispute, led by Chris Caleo KC, including in *Icon Co (NSW) Pty Ltd v Liberty Mutual Insurance Company Australian Branch* [\[2020\] FCA 1493](#) and on appeal in [\[2021\] FCAFC 126](#) and in *(No. 2)* [\[2021\] 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 KC, including in [\[2020\] FCA 652](#)

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

*Meticon Homes Pty Ltd v Great Lakes Australia* : acted for commercial house builder in Supreme Court indemnity dispute, led by Jeff Gleeson KC, including 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 KC (together with application for special leave and appeal to Victorian Court of Appeal in [\(2009\) 27 VR 243](#))

Complex coverage advice to insurers and insureds, including in respect of:

- the 2022 Queensland floods, with Don Farrands KC
- the AMP superannuation class action, led by Chris Caleo KC
- the 2020 cancellation of the Australian Grand Prix, led by Jeff Gleeson KC
- Nui Phao Mining Project in Vietnam, led by David Collins KC
- Metro Tunnel in Victoria
- Victorian Desalination Plant, Wonthaggi

### FINANCIAL SERVICES (NON-INSURANCE)

*Re Legal Super Pty Ltd* [\[2023\] VSC 545](#): appointed as amicus curiae by Supreme Court of Victoria in judicial advice application by trustee of superannuation fund

*Re CARE Super Pty Ltd* [\[2021\] VSC 805](#) and *(No 2)* [\[2021\] VSC 854](#): acted as junior to court-appointed amicus

curiae, Wendy Harris KC, in Victorian Supreme Court judicial advice application brought by industry superannuation fund trustee

*Re HEST Australia Ltd* [\[2021\] 66 VR 338](#): acted as junior to court-appointed contradictor, Wendy Harris KC, in Victorian Supreme Court judicial advice application brought by industry superannuation fund trustee

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

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

#### CONSTRUCTION AND INFRASTRUCTURE

*Wadren Pty Ltd & Anor v Probuild Constructions (Aust) Pty Ltd (subject to deed of company arrangement) & Ors*: acting for Probuild in Supreme Court construction defects dispute regarding Werribee Plaza Shopping Centre, with Jeremy Slattery KC and Alissa Crittenden, including in [\[2023\] VSC 348](#)

Acting for State of Victoria in multiple recovery proceedings for cladding rectification works, with Nick Pane KC and Roshan Chaile, including in *Owners Corporation 1 Plan No PS 707553K v Shangri-La Construction Pty Ltd* (ACN 130 534 244) [\[2023\] VCC 1473](#) and *Owners Corporation No. 1 PS600940E & Ors v L U Simon Builders Pty Ltd & Ors* [\[2023\] VCAT 630](#)

*St Falls Pty Ltd v LU Simon Builders Pty Ltd & Ors*: acting for owners of St Falls Resort in Falls Creek in construction defects dispute, leading Joshua Bridgett

*Fairbank Haven Pty Ltd v Merkon Constructions Pty Ltd*: acting for PI insurer of deregistered project manager in Supreme Court of Victoria construction defects dispute, leading D'Arcy Hope

*LCT-MRE Nominees Pty Ltd & Anor v Thiess Pty Limited & Ors*: acting for builder's liability insurer in dispute regarding construction of Lane Cove Tunnel in NSW Supreme Court, led by Chris Caleo KC and Garry Rich SC

*Downer EDI Engineering Power Pty Ltd v APA Orbest Gas Plant Pty Ltd*: acted for APA in Supreme Court of Victoria construction dispute, leading Roshan Chaile, settled

*Catholic Ladies College Limited v S J Higgins Pty Ltd & Ors*: acted for architect in construction defects claim in County Court, leading Gisela Nip, settled

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

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

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

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

*Multiplex Constructions Pty Ltd v Aegis Correctional Partnership Pty Ltd*: acted for Multiplex in Supreme Court proceeding regarding construction of Ararat prison, led by Jeff Gleeson KC with 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 KC

*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

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

#### OTHER COMMERCIAL

*Inpex Operations Australia Pty Ltd & Anor v Akzonobel NV & Ors*: acting for applicants in Federal Court proceeding in multi-billion dollar claim for misleading conduct in respect of a paint product applied at the Ichthys LNG onshore processing plant in the Northern Territory, with Jeffery Gleeson KC, Tim Breakspear SC, Elizabeth Bateman and Harriet Lenigas

*Calder & Ors v Hanson Construction Materials Pty Ltd*: acting for plaintiffs in commercial dispute regarding land and aggregate extraction in Supreme Court of Victoria, leading Stephanie Brenker

*Lanhai Pty Ltd v 7-Eleven Stores Pty Ltd*: acted for plaintiff franchisees in successful claim that 7-Eleven misled or deceived them, heard in Supreme Court of Victoria, leading Conrad Banasik, including in [\[2021\] VSC 587](#) and [\[2022\] VSC 132](#)

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

*ASIC v Dover Financial Advisors Pty Ltd*: acted for respondents in application for pecuniary penalties in Federal Court, led by Jeff Gleeson KC with 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 KC (including appearing in *Slea Pty v Connective Services Pty Ltd* [\[2018\] VSC 542](#) and *Slea Pty v Connective Services Pty Ltd* [\[2019\] VSC 201](#))

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

#### PROFESSIONAL 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 KC

*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 KC

Acted in various professional negligence proceedings for and against financial services providers, all settled

## Memberships

Commercial Bar Association

Women Barristers Association

Australian Insurance Law Association

Women in Insurance

Society of Construction Law Australia

Building Dispute Practitioners' Society

National Association of Women in Construction