

## Gabi Crafti



Gabi practises in commercial litigation, particularly in the fields of insurance law and other aspects of financial services law, construction law and corporations law

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### QUALIFICATIONS

Bachelor of Laws (Hons)  
Bachelor of Arts

### CORRESPONDENCE

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### CHAMBERS

Aickin Chambers  
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Melbourne VIC 3000

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### COMMERCIAL LAW

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

### TORT LAW

Professional Negligence

She acts extensively for insurers, superannuation funds, banks and other financial institutions, financial advisory services, principals and contractors in major construction and infrastructure projects, and government departments and agencies. She represents those clients both at trial and at appellate level, and has appeared in all state and federal courts.

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](#).

Gabi's practice also includes professional disciplinary proceedings. She has acted for and against regulators in the building industry, the legal profession and various health professions, amongst others.

Gabi served on the Victorian Bar Council in 2010-11 and 2018-20. She was a member of the Executive Committee of the Commercial Bar Association (2017-19) and a member of the Executive Committee of the Victorian Chapter of the Australian Institute of Administrative Law (2008-11).

Gabi read with David Batt QC.

Prior to joining the Bar, Gabi was a litigation solicitor at Mallesons and Allens, and was associate to the Hon. Justice Weinberg when his Honour was at the Federal Court of Australia.

Gabi also has experience in government and legal policy, having worked as a Senior Legal Policy Officer at the Victorian Department of Justice and Regulation. In that role, she managed aspects of the Attorney-General's civil law reform program, with a particular focus on dispute resolution and access to justice. Her legislative projects included the introduction of the Victorian Court of Appeal's 2014 civil appeals reforms and the implementation of the [Vexatious Proceedings Act 2014](#) (Vic).

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

## Recent Cases

### **BANKING AND FINANCE**

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

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

*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 [\[2021\] FCA 170](#)

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

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

*Noga v GWM Adviser Services Ltd & Ors*: acted for AFSL holder in multi-party Federal Court dispute

about misappropriation of financial services client funds, unled, settled

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)

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

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

## INSURANCE

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) and  
Metro Tunnel in Victoria (unled) and  
Lane Cove Tunnel in New South Wales (led by Chris Caleo QC)

- insurance disputes, including:

the AMP superannuation class action (led by Chris Caleo QC) and  
the 2020 cancellation of the Australian Grand Prix (led by Jeff Gleeson QC)

*Icon Co (NSW) Pty Ltd v Liberty Mutual Insurance Company Australian Branch & Anor.* acting for insurer in Opal Tower insurance dispute in Federal Court, led by Chris Caleo QC, including appearing in [\[2020\] FCA 1493](#) and on appeal to the Full Court

*Riseley v Suncorp Portfolio Services Limited* [\[2021\] FCA 472](#): acted unled for Suncorp in application for review of decision of Superannuation Complaints Tribunal in the Federal Court

Acted for MLC Limited, responding to ASIC section 912C notice, unled

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

*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

*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 [\(2009\) 27 VR 243](#))

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

*Melone v AMP Life Limited*: acted unled for AMP Life in application for review of decision of

Superannuation Complaints Tribunal in the Federal Court, discontinued by applicant

*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

*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

#### CONSTRUCTION AND INFRASTRUCTURE

*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

Acting for Head, Transport for Victoria in dispute with contractor regarding Geelong-Bacchus Marsh Road road-widening works, 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

Acted for State of Victoria regarding construction of West Gate Tunnel Project, led by Martin Scott QC

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

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

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

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

Advised Amey Consulting Australia Pty Ltd in dispute with WBHO Infrastructure Pty Ltd regarding design services for the Outer Suburban Arterial Roads Western Roads Upgrade Project, Victoria (unled)

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

#### CORPORATIONS

*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](#))

**GENERAL COMMERCIAL**

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

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

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

*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

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

## Memberships

Victorian Bar - Commercial Bar Association