



**PETER
SILVER**
Barrister

+61 2 8239 0243
petersilver@banco.net.au

ADMISSIONS

Barrister: 2004 (NSW), 1985 (South Africa)
Solicitor: 1996 (NSW), 1984 (South Africa)

EDUCATION

University of the Witwatersrand, South Africa, LLB (First Class Honours)
Class Medal for Jurisprudence
Law Students Scholarship Prize for Top Student in First Year.
Society of Advocates prize for Most Distinguished LLB graduate.
Class Prize for Administrative Law in SABS examinations.

AREAS OF PRACTICE

Commercial law
Corporations law
Consumer law
Equity
Directors & officers liability
Family provision claims
Family law
Insurance
Inquiries, including ASIC & ICAC
Partnership
Trusts (including charitable trusts)

PROFILE

Peter's legal career commenced in South Africa where he practised at the Bar for 10 years.

During this time his practice was mainly commercial litigation, but he was involved in a wide range of public interest work including political criminal appearances, participating in pro bono arrangements to represent the accused in criminal matters, and appearing in the equivalent of Royal Commissions relating to abuses of human rights by the South African Police.

In 1996 Peter emigrated to Australia, initially working as a solicitor and senior associate at Clayton Utz, and then as a Partner at Atanaskovic Hartnell from 1999 – 2003.

In 2004 Peter joined the NSW Bar and established a diverse practice across a range of areas, but focuses principally on commercial, corporations, and equity matters.

RECENT AND NOTABLE CASES

Commercial, corporations, and equity matters

Acted for **Insight Oceania** in relation to the termination of a contract for the supply of Cat Scan equipment.

Acted for **Colosseum Investment Holdings** in a matter involving the shipping of goods and damage to the goods in the United States, involving arguments about the appropriate forum.

Acted for **Burns, Philp** in a damages claim arising from the alleged breach of a 30 year yeast supply agreement, involving issues of quantum of damages, breach of contract, misleading and deceptive conduct.

Acted for the plaintiffs in proceedings against **Digitech Ltd** in relation to the sale of electronic devices and intellectual property in the telecommunications technology, involving questions of misleading and deceptive conduct, tax, expert evidence in relation to communications systems and the communications market from time to time.

Acted for the former chairman of **NewCap Reinsurance Corporation Holdings Limited** in proceedings arising out of the issue of converting notes under a prospectus, involving issues of misleading and deceptive conduct, breaches of the Corporations Law, ASIC Act, Trade Practices Act, Fair Trading Act, negligence, accounting standards, directors' duties and actuarial advice.

Acted **Imperial One Ltd** in proceedings brought by **Rupert & Co** in proceedings arising from allegations of misleading and deceptive conduct in relation to the issue of a prospectus.

Acted for **ACNielsen** in a s106 Industrial Relations matter arising from a share sale agreement and service deed.

Acted for **Wesfarmers** in relation to proceedings in the Supreme Court relating to defective railway wagons, involving issues of insurance, statutory interpretation, limitation periods, interpretation of contracts, assignment of causes of action.

Acted for **Rifkin Financial Services Ltd** in an insider trading proceeding in the Federal Court, issues included statutory interpretation, allegations of conspiracy, oppression, derivative actions, conduct of meetings.

Acted for **Sanderson Motors** in a dispute about the termination of a Dealership Agreement.

Acted for two directors of **Datacraft Ltd** in proceedings in the Federal Court arising from alleged misleading and deceptive conduct in relation to the sale of a multinational telecommunications technology business, involving accounting and Corporation Law issues.

Acted for **Mapeline Pty Ltd** in a claim for quantum meruit against pension funds.

Acted for **Zero Foot Print** a Canadian corporation in proceedings to recover damages for misappropriation of confidential information and breaches of director's duties.

Acted in numerous derivative proceedings against directors for breaches of statutory and fiduciary duties.

Insurance

Acted for Law cover in the matter of **Pirintjie and Laser Clinics**, which involved a damages claim based on the loss of profits of the group of Laser Clinic companies

Acted for Law Cover in a matter in which the plaintiff claimed damages for negligent advice about the purchase of a driving range.

Acted for **ACN 008 664 257 Pty Ltd** in proceedings against a group of London insurers for payment of insurance cover (approximately \$90 million) for destroyed mine machinery and business interruption.

Acted for **Jackson Lalic Lawyers** solicitors in relation to negligence claims at first instance and on appeal where the central issue was advocates immunity, both in the court of first instance and appeal.

Acted for **Norman Investment Partners Pty Ltd** in two insurance claims in relation to farming losses.

Partnership

Acted for **Arthur Andersen** in an international commercial arbitration concerning the global Andersen Worldwide Organization, and in Australian arbitration proceedings between Arthur Andersen and Andersen Consulting.

Acted for a number of partners in the break-up of the **Southern Radiology** practice.

Acted for the majority of the partners in the **North Coast Radiology Group** in relation to the sale of a radiology practice in which related to the construction of the partnership deed and the application of the Partnership Act.

Acted for **Dr Freiberg** and others in a dispute concerning the termination of a partnership which ran a sleep clinic and retail outlet in Bankstown.

Inquiries

Acted for **Sydney Water Corporation** and its Managing Director and other senior officers in the Sydney Water Inquiry, which concerned the contamination of Sydney's water supply.

Acted for Tony Merhi, a property developer at ICAC in **Operation Spicer** concerning soliciting, receiving and concealing payments to a political party.

Acted for the Department of Justice at ICAC in **Operation Yancey** concerning corruption allegations in regard to courthouse refurbishment contracts.

Acted for the former head of the CFMEU at ICAC in relation to allegations of corruption relating to the granting of mining licences.

Acted for Council office holders in the inquiry into the affairs of the **Auburn City Council**.

Acted for Missouri, helmet manufacturer in the Inquest into the death of **Philip Hughes**.

Advised and represented ANZ senior banking office Etienne Alexiou in the **Bank Bill Swap Rate ASIC Enquiry**.

Acted for **Primelife Corporation Ltd** defending 37 winding up actions brought by **ASIC** in the Federal Court in Victoria, arising from alleged breaches in relation to managed investment schemes.

Acted for the **New South Wales Thoroughbred Racing Board** in appeals against suspension of trainers' licenses, and in an antidiscrimination matter in the Administrative Decisions Tribunal.

Acted for the Michael Kotowicz in the Federal Court against the ACCC in relation to alleged infringements of the Trade Practices Act by Greg Norman's **Great White Shark Challenge**.

Acted for **Hudson Timber and Hardware Ltd** in proceedings in the Federal Court based on alleged infringements of the Trade Practices Act in relation to the issue of options under a prospectus

Tax

Acted for **Nutrimetics**, a large cosmetics company in a multi million dollar tax audit.

Telecommunications and licensing

Acted for **Television and Radio Broadcasting Service Pty Limited** in Federal Court proceedings and proceedings and the Administrative Appeals Tribunal concerning the grant of television licences.

Acted for **RSL COM Pty Limited** in proceedings in the Federal Court, and the Federal Appeal Court in a matter concerning rights arising from a telecommunications contract.

Building

Acted for **Kell & Rigby** in a claim in the Supreme Court against Reddam College in relation to building work carried out, involving construction law issues.

Family provision matters

Represented **Mauro Poletti** – at first instance and on appeal in a family provision matter that involved disentitling conduct

Acted in a family provision matter involving polygamy and claims from both wives.

Represented a plaintiff in a family provision matter involving a de facto relationship maintained while the application was incarcerated, that involved an

application under the *Felons Act*, equitable compensation, constructive trusts and other issues.

Intellectual property and confidential information

Acted for **ABB Engineering Construction Pty Limited** in proceedings in the Federal Court for infringement of its patent rights concerning railway carriage technology involving a substantial damages claim.

Acted for Woolworths in proceedings to restrain the use of confidential information

Acted for **Australian Wool Innovation Pty Ltd** and the **WoolMark Company Ltd** in proceedings for the recovery of damages in relation to the WoolMark trade mark, in a matter involving trade mark valuation, misleading and deceptive conduct, fraud, statutory interpretation and contractual issues.

Acted for **Engenico Pty Limited** in defending proceedings in the Federal Court in a patent action concerning EFTPOS technologies, involving substantial damages claims and revocation proceedings.

Criminal related matters

Acted for a director of a number of companies at hearings of the Crime Commission, in an investigation into unlawful gambling and money laundering.

Acted for a director at a hearing of the Crimes Commission in relation to the unlawful sale of pharmaceutical products and the use of the proceeds of the crimes.

Acted for a liquidator in relation to securing proceeds of a business confiscated by the Federal Police as proceeds of crime.

Royal commissions

Acting for the Victorian Commissioner of Police in the Royal Commission into the Management of Police Informants.

Acted for the Australian Banking Association and Anna Bligh at the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.

Subsequently acted for a number of officers of AMP at ASIC s19 examinations in relation to matters arising from the Banking Royal Commission.

Acted for the Aged Care Guild in the Royal Commission into Aged Care Quality and Safety.