



Simon Kiburg

Senior Associate

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OVERVIEW

Simon Kiburg is a senior associate in our asset management and investment funds practice area at the Melbourne office.

Simon advises Australian and international investment managers, banks, trustees of superannuation funds, wholesale and retail investment trusts, funds management companies, FinTechs, payment facility providers and other financial services entities clients on a range of regulatory and compliance issues relevant to financial advisers, superannuation fund trustees, payment facility providers, FinTechs, wholesale and retail fund managers, and other financial services entities.

PROFESSIONAL BACKGROUND

Simon joined the firm as a seasonal clerk, and then as a graduate, completing the graduate program and gaining exposure to real estate, labour, employment and workplace safety, energy, infrastructure and resources and general corporate advisory work.

PROFESSIONAL / CIVIC ACTIVITIES

- Law Institute of Victoria, member

EDUCATION

- Bachelor of Laws and Commerce, Australian Catholic University, 2019
- Graduate Diploma in Law, College of Law, Australia, 2019

ADMISSIONS

- High Court of Australia
- Supreme Court of Victoria

THOUGHT LEADERSHIP *POWERED BY HUB*

- 19 June 2023, Australia: Payments Reform—Generational Change Coming
- 1 August 2022, Australia: DDO Implementation and Enforcement

NEWS & EVENTS

- 19 July 2021, K&L Gates Acts for Fintech Butn Limited on Pre-IPO and ASX Listing

AREAS OF FOCUS

- Asset Management and Investment Funds
- Anti-Bribery and Anti-Corruption
- ESG - Sustainable Investing
- Fintech Lending
- Global Financial Services Regulation
- Institutional Investors
- Investment Funds
- Payments, Banking Regulation, and Consumer Financial Services
- Private Equity Funds

REPRESENTATIVE EXPERIENCE

- Advising financial product distributors on their arrangements with insurers, lenders, and payment providers and the regulatory implications of distributing regulated products to Australian consumers.
- Assisting payment providers in relation to a range of regulatory projects, including in relation to client money obligations, APRA regulation of payments, and strategic responses to regulatory reform in this area.
- Advising an established UK-based open banking provider about the regulatory options for launching its open banking and payments products into the Australian market.
- Advising a crypto trading platform on its exchange as a service model and agreements with key distributors.
- Advising an Australian financial institution on a significant transaction, acquiring a controlling share of a large fund manager with a superannuation offering.
- Advising a securities investment platform operating in multiple jurisdictions on numerous bespoke trading offerings, including marketing in the Australian landscape.

- Advising two Australian super funds in their proposed merger via a successor fund transfer. This involves the conduct of due diligence on the two funds, negotiating a raft of regulator clearances and preparing the transfer documentation for the merger.
- Investigating and advising on potential breaches by financial services entities and their representatives.
- Assisting companies in applying for Australian Financial Services Licences and Australian Credit Licences.
- Assisting financial advisers and Australian Financial Services licensees (AFSL) respond to inquiries from Australian Securities and Investments Commission (ASIC).
- Advising companies on the application of the Australian Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth).
- Advising companies on the application of Common Reporting Standard (CRS) and Foreign Account Tax Compliance Act (FATCA) reporting obligations.
- Assisting companies with the drafting of Codes of Conduct, Whistle-Blower Policies, Training Manuals, Anti-Bribery Policies and anti-corruption clauses in other commercial agreements.
- Advising FinTech start-ups on the licensing implications of their proposed activities, including innovative payment solutions and cryptocurrencies.
- Advising clients on a range of Australian Credit Licence (ACL) compliance issues.
- Providing advice to a major retail brand about distribution of a range of insurance products, including advice on anti-hawking and conflicted remuneration issues