



Jim Bulling

Partner

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OVERVIEW

Jim Bulling's practice focuses on banking and financial services and he acts for a range of entities in the financial services and funds management industry. His clients include Australian and international investment managers, banks, trustees of superannuation funds, wholesale and retail investment trusts, funds management companies and financial planning groups.

Jim's main areas of focus include banking and financial product disclosure issues, financial services compliance issues, fintech, financial product distribution issues and superannuation and funds management.

Jim also provides advice on governance issues targeted at prevention of bribery and corruption and regularly prepares papers and presents on issues relating to emerging banking and financial services issues.

Jim is an editor and regular author of our global fintech blog *Fintech Law Watch*.

He is also a Recognised Practitioner by *Chambers Asia-Pacific* (since 2019) for Financial Services Regulation.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Jim was a senior partner at a large Australian law firm and worked as in-house counsel for a large Australian funds manager and an investment bank.

ACHIEVEMENTS

- Recognised by *Chambers Asia-Pacific* for Financial Services Regulation in Australia, 2019-2024

PROFESSIONAL / CIVIC ACTIVITIES

- Australian Superannuation Funds Association (ASFA) - member of Consumer Governance and Regulatory Policy Council
- Australian Centre for Financial Studies – member of Fintech Steering Committee
- Financial Services Council – member of working groups

SPEAKING ENGAGEMENTS

- Presentations to The Principal's Community Advanced Responsible Manager Forums, November 2022
- Managing Risks in face of ACCC and ASIC's enforcement focus on Greenwashing and Sustainability Initiatives, K&L Gates seminar, October 2022
- Speaker, BT Principals Community Virtual Professional Development, 29 July 2021
- Global Distribution Update, The Investment Association, April 2021
- Superannuation Fund Investment in Private Equity, K&L Gates Virtual Roundtable, June 2020
- Navigating ASIC's Foreign Financial Services Providers Regulatory Guide, K&L Gates Webinar, April 2020
- Presentations on contemporary issues for superannuation funds, Leo Cussen Institute in Melbourne, April 2020 and October 2019.
- Enforcement in Financial Services post Royal Commission, K&L Gates seminars in Sydney and Melbourne, May and June 2019.
- Financial product impact of the Royal Commission to Fordham and their clients in Melbourne, June 2019
- A series of presentations to financial planning groups in Brisbane, Adelaide, Sydney, Perth and Melbourne, February to May 2018 in relation to ASIC surveillance and enforcement initiatives
- Presentations to superannuation funds in Melbourne and Sydney on dealing with the Royal Commission enquiry, February and March 2018
- Artificial Intelligence and the Law – Australian Lawyer Legal Tech Summit, Sydney, December 2017
- Open Bank Data – Money2020 Roadshow, Sydney, December 2017
- Fintech Innovation – Finsia Seminar, Sydney, October 2015
- "Disruptive Technologies in Financial Services," K&L Gates Breakfast Client Seminar, March 2015
- Financial Services Update – Australian Corporate Lawyers Association, Melbourne, October 2013

EDUCATION

- LL.B., Monash University, 1979
- Bachelor of Economics, Monash University, 1977

ADMISSIONS

- Federal Court of Australia
- High Court of Australia

- Supreme Court of New South Wales
- Supreme Court of Victoria

THOUGHT LEADERSHIP POWERED BY HUB

- April 2024 , Global Survey of ESG Regulations for Asset Managers
- April 2024, ESG and the Sustainable Economy Handbook
- 28 March 2024, March 2024 ESG Policy Update—Australia
- 27 February 2024, February 2024 ESG Policy Update—Australia
- 27 February 2024, Australian Business Registry Services Engages with Directors to Apply for Identification Numbers
- 21 February 2024, Australian CPD Series 2024
- 21 February 2024, Australian CPD Series 2024: Mandatory Climate Related Reporting from July 2024
- 21 February 2024, Australian CPD Series 2024
- 21 February 2024, Australian CPD Series 2024: Mandatory Climate Related Reporting from July 2024
- 19 February 2024, Climate-Related Financial Disclosures: What Are They and What Do They Mean?
- 7 February 2024, Australia: How Financial Services Entities Can Better Respond to the Needs of First Nations Consumers
- 15 December 2023, Australia: Proposed Licensing Exemptions for Foreign Financial Services Providers (FFSPs) Before Parliament
- 21 November 2023, Australia: Quality of Advice (QAR) Recommendations Partly Addressed
- 15 November 2023, ESG Labelling On the Cards For Global Regulation
- 30 October 2023, Australia: Mandatory Climate Reporting—The Draft Australian Standards Are Here
- 11 October 2023, Australia: Mandatory Climate Disclosure—October Update
- 1 August 2023, Australia: Financial Accountability Regime: Not That FAR Away
- 26 July 2023, Australia: "Greenwashing"—Are the ACCC and ASIC Aligned?
- 18 July 2023, Australia: Regulation for ESG Ratings Agencies Gathers Pace
- 30 June 2023, Australia: Mandatory Climate Disclosures Framework Takes Shape with Release of New Consultation Paper and ISSB Standards
- 28 June 2023, Australia: ASIC Chair Addresses "Greenhushing" Amongst ESG Focus Areas

- 27 June 2023, Australia: AFCA Reports on Systemic Issues from Financial Complaints
- 18 May 2023, Australia: Preparing for the Extension of the Superannuation Performance Test to Trustee-Directed Products
- 20 February 2023, Australia: Quality of Advice Report to Be Stress Tested
- 8 February 2023, Australia: APRA Provides Insight Into 2023 Priorities
- 1 February 2023, Australia: Warnings to 'Finfluencers' Following Federal Court Action and ACCC Announcement
- 1 February 2023, Australia: Superannuation Trustees Urged to Improve Member Engagement
- 17 January 2023, Australia: ASIC Starts 2023 With Focus on Greenwashing
- 22 December 2022, ASIC Releases Update on Recent Enforcement Action in Australia and Guidance for Target Market Determinations
- 14 December 2022, Australia: Climate and Sustainability-Related Financial Disclosure Reforms on the Horizon
- 8 December 2022, ASIC Gears Up Enforcement Activity
- 1 December 2022, Australian Regulatory Update – 28 November 2022
- 23 November 2022, Australian Regulatory Update – 21 November 2022
- 22 November 2022, Australian Regulatory Update – 14 November 2022
- 7 November 2022, Australian Regulatory Update – 7 November 2022
- 2 November 2022, Australian Regulatory Update – 2 November 2022
- 28 October 2022, Australia: ASIC Releases its First Insights From the Reportable Situations Regime
- 24 October 2022, Australia: Regulatory Update – 24 October 2022
- 17 October 2022, Australia: Regulatory Update – 17 October 2022
- 10 October 2022, Australia: Regulatory Update
- 28 July 2022, Australia: Superannuation Fund Investments – ESG and Valuations
- 16 June 2022, Australia: New Greenwashing Guidance
- 7 June 2022, Australia: Eagerly Awaits Foreign Financial Service Providers' Legislation
- 23 May 2022, Australia: ESG Investing a Target for the New Government?
- 8 April 2022, Australia: Russian Sanctions and Fund Managers
- 24 March 2022, More Accessible and Affordable Financial Advice Coming?

- 1 March 2022, FFSP Regime Finally Announced – Good News for Offshore Managers
- 16 February 2022, Financial Adviser News
- 16 February 2022, Australia: A Proxy Advice Regulation Rollercoaster
- February 2022, Regulatory Regime for ESG Investment Issues
- September 2021, Financial Services Regulation - October Blitz
- March 2021, Superannuation Regulatory Update 2020/21: A Busy Year
- 1 March 2021, Foreign Financial Services Providers – Only 13 Months Remain to Choose Australian Regulatory Options
- 8 September 2020, Foreign Financial Services Providers Update
- 1 September 2020, COVID-19: Update on Government and Regulator Responses for Superannuation Funds and Fund Managers
- 6 May 2020, COVID-19: (Australia) Government and Regulator Responses for Superannuation Funds and Fund Managers (Updated)
- 7 April 2020, COVID-19: (Australia) Government and Regulator Responses for Superannuation Funds and Fund Managers
- 6 April 2020, ASIC Publishes Final Guidance for Foreign Financial Service Providers
- 26 November 2019, International FinTech Watch: China Announced Positive Stance on Blockchain Technology
- 8 November 2019, Open super in Australia: The Consumer Data Right could be extended to the superannuation industry
- 5 September 2019, Biometrics Replacing Passwords: Prospects and Concerns
- 30 August 2019, ASX releases Compliance Update for listed entities on cryptocurrency-related activities
- 22 August 2019, To regulate or not to regulate? That was the question: UK FCA provides its Final Guidance on regulation of crypto-assets
- 20 August 2019, Enforcement – A New Environment
- 19 July 2019, A Future without Crypto Futures?
- 11 July 2019, ASIC Changes Course on Proposals for Relief for Foreign Financial Services Providers
- 28 June 2019, The RBA Gets Punitive: Penalties Recommended for Delaying New Payments Platform Participants
- 27 June 2019, "A Lot of Water to Flow Under the Bridge:" Central Banks Around the World Provide Their Initial Response to Facebook's Libra

- 20 June 2019, Crypto-asset Regulation Attracts the Attention of Global Securities Regulators
- 17 June 2019, Banks Invest in Developing a Digital Blockchain Settlement System
- 2 June 2019, ASIC Updates Guidance on Initial Coin Offerings and Crypto-Assets
- 9 May 2019, ASX Takes First Steps in introducing its Blockchain-Based Replacement to CHES
- 3 May 2019, Bank of Canada and Monetary Authority of Singapore jointly publish report on the use of blockchain in making cross-border payments
- 26 April 2019, International Cryptocurrency Regulation Top of the Agenda for the Japan G20 Summit
- 4 April 2019, Regulators tighten the reigns on robo advisory firms
- 4 April 2019, Cryptocurrency firms struggle to engage auditors
- 27 March 2019, Australian Government announces the establishment of the national blockchain roadmap
- 26 February 2019, Senate Committee publishes report and recommendations on regulation of Australian buy now pay later industry
- 26 February 2019, Surge In Cryptocurrency Exchange Hacking Activity
- 25 February 2019, Royal Commission Report - Life Insurance and General Insurance
- 15 February 2019, Royal Commission Report - Financial Advice Businesses
- 8 February 2019, The Global Financial Innovation Network invites Fintech start-ups to test their products and services across borders
- 31 January 2019, Australian Buy Now Pay Later businesses discuss the utility of Open Banking Regime
- 30 November 2018, ASIC publishes report on its review of the 'buy now, pay later' industry
- 11 November 2018, Australian Gift Cards – Additional Consumer Protections
- 8 November 2018, Collateral Warranties: A Reminder of Their Importance
- 7 November 2018, Global AML Regulator Amends Its International Standards for Virtual Assets
- 24 October 2018, Fintech Lenders To Face Senate Inquiry
- 23 October 2018, The Rise of PayWear
- 17 October 2018, Financial Stability Board's View on Crypto-Assets
- 10 October 2018, Life Insurance – Some Sales Tactics Exposed
- 8 October 2018, ASIC enters into bilateral cross border cooperation agreement with US regulator
- 27 September 2018, ASIC Continues to Monitor "Unfair Contract Terms"
- 25 September 2018, Offshore entities – ACCC Guidance on Open Banking Accreditation

- 24 September 2018, Australian Council of Financial Regulators consults on changes to Stored-Value Facilities Regulation
- 20 September 2018, ASIC acts on Initial Coin Offerings and crypto-asset funds
- 19 September 2018, UAE Securities and Commodities Authority to Regulate ICOs and Join Growing List of Regulators
- 5 September 2018, Design & Distribution Bill: A Reflection of the Current "Consumer-Centric" Climate
- 5 September 2018, Design & Distribution Bill: A Reflection of the Current "Consumer-Centric" Climate
- 20 August 2018, Australian Treasury Releases Draft Bill on Consumer Data Right
- 25 July 2018, Australia's first crypto-custody vault is open for business
- 24 July 2018, Hong Kong SFC: E-Signature Verification Proposal to Boost Online Investing
- 11 July 2018, RBA: accessibility, security and resilience are key to the future of retail payment systems in Australia
- 10 July 2018, Artificial Intelligence in Wealth Management
- 15 May 2018, Federal Government to implement Open Banking regime in Australia
- 8 May 2018, Restricted ADI Licensing Scheme Commences in Australia
- 7 May 2018, ASIC updates its guidance on treatment of ICO's
- 4 May 2018, New dispute resolution scheme requirements in Australia
- 3 May 2018, ASX releases consultation paper on its proposed blockchain-based replacement to CHES
- 30 April 2018, ASIC: Australian laws still apply to ICOs created and offered overseas
- 20 April 2018, AUSTRAC, ATO And ASIC Discuss Their Regulatory Views On ICO's
- 17 April 2018, 6 ways for FinTechs to build trust: a regulator's view
- 5 April 2018, Australia's New AML Rules: Reducing the Anonymity of Digital Currencies
- 27 March 2018, Increasing FinTech regulatory ties between Australia and the UK
- 1 March 2018, ASX Listings and Cryptocurrencies
- 9 February 2018, Australian Open Banking Developments
- 25 January 2018, Digital currency exchange providers, do you need to register with AUSTRAC?
- 10 January 2018, Top 5 regulatory changes to watch for in 2018
- 20 December 2017, ASIC Fintech Sandbox Here To Stay
- 19 December 2017, ASIC broadens Fintech Cooperation with Canadian Regulators

- 20 November 2017, ASIC Changes to Licence Processing Timelines and Fee Regime
- 29 November 2017, Unresolved risk issues with the proposed open banking reforms
- 27 October 2017, Reporting Entities Beware: AUSTRAC is Becoming More Active and Getting More Powers
- 16 October 2017, Taiwan takes a stance on ICOs
- 12 October 2017, The UK's Financial Conduct Authority's David Geale on FinTech regulation
- 28 September 2017, What you need to know about capital raising with ICOs (Business Bytes video)
- 28 September 2017, ASIC releases its guidance on ICOs
- 25 September 2017, Australian Government seeks consultation on development and implementation of Digital Economy Strategy
- 23 August 2017, APRA proposes reforms to the ADI Licencing Regime
- 28 July 2017, Crowdfunding Regulation Part 1: Guidance For Public Companies
- 28 July 2017, Crowdfunding Regulation Part 2: Guidance For CSF Intermediaries
- 26 July 2017, Australia stepping closer to open banking
- 12 July 2017, Financial Product Design and Distribution Obligations
- 30 June 2017, ASIC extends FinTech cooperation to Asian counterparts
- 28 June 2017, Pilot program to use blockchain to trade electricity
- 28 June 2017, Fintech credit report shows potential and risks
- 19 June 2017, Cryptocurrencies becoming more mainstream?
- 5 June 2017, ASIC proposes next steps on RegTech
- 2 June 2017, Mortgage broker remuneration reforms – what you need to know
- 19 May 2017, Asia-Pacific regulatory trends
- 18 May 2017, Proprietary companies to be able to access crowd sourced funding
- 5 May 2017, Voice biometrics and fraud prevention in payments
- 5 May 2017, ASIC signs fintech Cooperation Agreement with Indonesia
- 1 May 2017, Regulatory Trends in FinTech in APAC
- 13 April 2017, RegTech Association launches in Australia
- 9 February 2017, Australian marketplace lending update
- 9 February 2017, Found out that you can't play in the sandbox?

- 31 January 2017, Reminder: Fee and Cost Disclosure - RG 97 Extension
- 16 December 2016, ASIC provides update on the Innovation Hub
- 14 December 2016, Will there be an Asia Pacific 'FinTech Passport' in the future?
- 13 December 2016, Regulating digital advice in Australia
- 16 November 2016, Australian and Kenyan financial regulators sign co-operation agreement
- 15 November 2016, FinTech in Canada – Towards Leading the Global Financial Technology Transition
- 7 November 2016, Possible AML implications for FinTechs
- 7 November 2016, Regulators in Australia and Ontario sign co-operation agreement
- 3 November 2016, What happens when electronic signatures are affixed without authority?
- 3 November 2016, Developing smart contracts for the financial services industry
- 26 October 2016, More regulatory sandboxes
- 24 October 2016, Are robo-advisers required to act in their clients best interests?
- 24 October 2016, A digital currency for Australia
- 9 September 2016, Movement in marketplace lending regulation for small business loans
- 21 August 2016, UK grants FinTech a banking licence – another tier of regulation?
- 12 August 2016, Strong response to ASIC sandbox proposal
- 29 July 2016, BritCoin vs BitCoin: Central Banks Stepping into the Digital Currency Arena
- 19 July 2016, Global Equity Crowdfunding Developments
- 7 July 2016, Increasing investment in blockchain initiatives
- 7 July 2016, Regulators notice small business loans are big business
- 7 June 2016, EU movement on virtual currencies and distributed ledger technologies
- 7 June 2016, Gamification and financial services
- 17 May 2016, AML Review Targets Digital Currencies
- 9 May 2016, Digital currency and GST
- 9 May 2016, ASIC update on fintech regulatory sandbox proposal
- 2 May 2016, Asia Region Funds Passport Memorandum Signed
- 15 April 2016, Australia and Singapore discussing cooperation agreement
- 14 April 2016, China's FinTech industry growth due in part to accommodative regulations

- 31 March 2016, Australian and UK financial regulators sign co-operation agreement
- 30 March 2016, Providing digital advice to retail clients
- 23 March 2016, Australian Government gets more FinTech friendly
- 16 March 2016, Asia Pacific Governments increase support for fintech
- 16 March 2016, The Financial Stability Board's fintech priority for 2016
- 25 February 2016, Australian Government launches FinTech Advisory Committee
- 25 February 2016, ASX looking to replace CHESS with blockchain
- 23 February 2016, Banks Partnering with Fintech Startups – Deutsche Bank, ANZ Bank
- 23 February 2016, Some Feedback on Crowdfunding Reforms in Australia
- 31 January 2016, Financial Innovation Now
- 28 January 2016, Social Media Platforms Launch "Buy Now" Buttons for US Consumers
- 16 December 2015, Blockchain not Bitcoin Becomes Industry Focus
- 15 December 2015, Robo-Advice Risks and Benefits
- 15 December 2015, Robo Advice Regulation Movement in Three Jurisdictions
- 14 December 2015, U.S. and Australian Rules on Crowdfunding
- 14 December 2015, Simpler Regulatory Path for Australia's Peer to Peer Lending Platforms?
- 13 December 2015, I'm in FinTech. Do I Need an Australian Financial Services Licence (AFSL)?
- 28 July 2015, Unpacking the Australian OTC Derivative Reporting Regime
- 20 May 2015, Cyber Resilience for Financial Services Entities
- 22 July 2014, First Impressions of the Murray Financial System Inquiry Interim Report
- 26 August 2013, Anti-Bribery Issues in African Mining Projects

OTHER PUBLICATIONS

- External Press, "Utilising AI in financial compliance", *Financier Worldwide*, March 2020
- Royal Commission Report – Life Insurance and General Insurance, 25 February 2019
- Royal Commission Report – Financial Advice Businesses, *Financial Services Alert*, 15 February 2019
- "Merger matters", *SuperFunds*, May 2017
- "FinTech in Canada," *Digital Finance Institute and McCarthy Tétrault LLP*, 2016

- Global Government Solutions® 2016 Mid-Year Outlook, July 2016
- “Investment Management Business in Australia,” *The Investment Lawyer*, Vol. 22, No. 8, 8 August 2015

NEWS & EVENTS

- 13 February - 21 February 2024, 2024 CPD Program—Australia
- 14 December 2023, Chambers Asia-Pacific 2024 Guide Recognises K&L Gates
- 7 February - 16 February 2023, 2023 CPD Program—Australia
- 16 December 2021, Chambers Asia-Pacific 2022 Guide Recognises K&L Gates
- 6 October 2021, 2021 Investment Management Conference
- 16 December 2020, K&L Gates Recognized in Chambers 2021 Asia Pacific and FinTech Guides

MEDIA MENTIONS

- Quoted, "ESG considerations following Labor's win," *LawyersWeekly.com*, 31 May 2022

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

INDUSTRIES

- Artificial Intelligence
- Financial Services
- Fintech

- Private Equity
- Technology

EMERGING ISSUES

- Environmental Social Governance (ESG)

REPRESENTATIVE EXPERIENCE

- Assisting two Australian super funds in their proposed merger via a successor fund transfer. This involves the conduct of due diligence, negotiating a raft of regulator clearances, and preparing the transfer documentation for the merger.
- Advising superannuation funds in relation to outsourcing issues.
- Advising superannuation funds in relation to remediation of unit pricing errors.
- Advising superannuation funds in relation to managing conflicts.
- Advising superannuation funds on governance and regulatory reforms.
- Advising superannuation funds in relation to mergers and successor fund transfers.
- Advising superannuation funds in relation to investment management agreements.
- Advising superannuation funds in relation to investment in illiquid assets.
- Advising superannuation entities regarding the delivery of financial product advice to members.
- Assisting a range of industry participants respond to the Stronger Super and Future of Financial Advice regulatory reforms.
- Acting for an Australian bank in connection with financial product design disclosure and distribution.
- Advising an Australian bank in connection with margin lending issues.
- Establishing a wholesale quantitative hedge fund investing in Asian equities, including preparing disclosure documentation and negotiating prime brokerage arrangements.
- Advising a US fund manager and an Ireland domiciled Undertakings for Collective Investment in Transferable Securities (UCITS) fund on the Australian financial services regulatory regime, including the types of activities which could be conducted without formal licensing.
- Assisting a US fund manager in its application to Australian Securities and Investment Commission (ASIC) for Class Order Relief.
- Assisting a US fund manager in its application to ASIC for a variation to its Australian Financial Services Licence (AFSL).

- Advice to a Singapore funds manager in connection with its establishment of a Managed Investment Trust in Australia.
- Assisting a UK alternatives fund manager to obtain relief from the AFSL regime in connection with the inclusion of its managed futures strategy on an Australian investment platform.
- Advising a global payment facility provider on the Australian regulation of non-cash payment facilities and assisting it to respond to inquiries from ASIC.
- Representing a New Zealand-based entity in establishing a peer-to-peer lending platform focusing on consumer loans, including negotiating regulatory approvals.
- Assisting a wholesale crowdfunding platform obtain an AFSL and advising on authorised activities.
- Advising an offshore stored value card provider on the financial services regulatory regime in Australia.
- Assisting a multinational manufacturing company respond to bribery/Foreign Corrupt Practices Act investigations and enforcement activity and assisting the entity to implement compliance processes.
- Advising an Australian bank on lending to self-managed super funds.
- Advising managed investment schemes on security liquidity and compliance issues.
- Advising financial planning groups on investor responses to market failures.
- Advising fund managers and distribution groups in connection with regulatory reform to fees and charges.
- Advising consumer brand companies in relation to sale of extended warranty and insurance products.
- Assisting various financial services entities apply for and vary AFSL and Registrable Superannuation Entity (RSE) licences from Australian Prudential Regulation Authority (APRA).
- Assisting a number of clients establish wholesale investment funds, including funds investing in equities, property development, construction, and offshore mortgage funds.
- Preparing financial product distribution arrangements for the distribution of financial products and investment platforms by various intermediaries, including dealer groups, advisers, retailers, and referrers.
- Assisting AFSL holders in connection with the appointment of financial planning practices and drafting template agreements.