
Tara Munro-Mobbs

m: 0411 518 998

p: 02 6126 5950

e: tara.munro-mobbs@proximity.com.au



BACKGROUND

Tara is a Senior Advisor with Proximity Legal. Tara is a very experienced Australian Government lawyer with expertise in administrative law, litigation, government advising, health law, privacy and contract law.

Tara has undertaken many secondments to Australian Government Departments including in 2016 the Department of Human Services, the Department of Innovation, Industry and Science and the Department of Communications and the Arts; in 2015 the Department of Health; in 2014 the National Health and Medical Research Council. Other secondments include the Department of Health and Ageing, Department of Education, Employment and Workplace Relations; Medicare Australia, the Civil Aviation Safety Authority and Comcare.

Tara advises Australian Government agencies on decision making processes; structure of government entities, interpretation of legislation including government statutes, regulations, orders, rules and other subordinate legislation; government contracts; litigation in the Federal Court and AAT; access to records and privacy; secrecy provisions; the aged care industry and rights to government support.

Tara has an existing security clearance.

EXPERTISE

- > Administrative law
- > Government Entities
- > Statutory interpretation
- > Health law
- > Drafting legislative instruments
- > Government litigation
- > Training and workshop delivery
- > Privacy, freedom of information and secrecy provisions
- > Contract Law and tendering

Tara has extensive experience in a broad range of legal areas and has advised Australian Government clients for many years on a very wide range of matters, particularly in administrative law and litigation and dispute resolution.

Administrative Law

Department of Human Services – advising on

- > Privacy Act interpretation and secrecy provisions

Department of Communication and Arts – advising on

- > Freedom of Information claims

Department of Health – advising on

- > National Health Act;
- > Pharmaceutical Benefits Scheme;
- > legislative instruments.

NHMRC - advising on

- › Privacy
- › delegations and authorisations- decentralisation of decision making
- › the roles and responsibilities of staff, Council and Committee members;
- › the PGPA Act, FMA Act and CAC Act implications; and
- › administrative law case law implications.

DoHA - representing DoHA in relation to Administrative Appeals matters relating to assessment of persons in aged care.

DoHA - interviewing, analysing and drafting a report with Professor Dennis Pearce for Health on decision making in a statutory body (the Therapeutic Goods Association) and training staff in decision making processes.

Medicare - advising on:

- › the National Health Act; the Health Insurance Commission Act and the Health Insurance Act in relation to the approval of pharmacists and powers and functions of Medicare
- › portfolio legislation including administrative law requirements, especially procedural fairness
- › the Prescription Shopping Program including providing advice on interpretation and interrelationship between core Medicare legislation, drafting Determinations, negotiations with the Privacy Commissioner and the Attorney-General's Department.

DoHA - advising on:

- › tobacco advertising legislation
- › NHMRC guidelines
- › the Aged Care Act and the aged care industry.

Government law (including statutory interpretation)

Department of Human Services – advising on

- › *Privacy Act 1988* and secrecy provisions in portfolio legislation, including fraud, internal release of information and OAIC investigations;
- › Release of information and internal exchange of information under portfolio legislation

Department of Innovation, Industry and Science – advising on

- › intergovernmental agreements
- › indemnity clauses in agreements and rules
- › the roles and responsibilities of Board members and staff;
- › Intellectual property law;
- › Negligence and Commonwealth risk; and
- › drafting Certification Trade Mark Rules.

NHMRC - advising on

- › the PGPA Act and PGPA Rules changes to the FMA Act and FMA regulations;
- › the Williams case implications; and
- › implementing new financial systems, including Accountable Authority Instructions.

Health - advising on:

- › Pharmaceutical Benefits Scheme and drafting legislative instruments under the National Health Act 1953
- › Aged Care Act statutory changes, implications for personnel of aged care facilities, powers available to government officers for breaches of legislation and ownership of aged

care facilities.

- › implications of privacy and secrecy provisions in the National Health Act, Health Insurance Act and Privacy Act

NFSA - advising on the:

- › arrangements for the Minister to make determinations under the Screen Australia and the National Film and Sound Archive (Consequential and Transitional Provisions) Act 2008 and drafting Ministerial Determinations under that Act
- › inter-relationship between core legislation - Australia Film Commission Act and amending legislation; National Film and Sound Archive Act, Screen Australia Act; Screen Australia and the National Film and Sound Archive (Consequential and Transitional Provisions) Act.

DIAC – advising on:

- › the disclosure of names and contact details regarding employees under the Migration Act and Privacy Act
- › breaches of privacy under the Privacy Act and Information Privacy Principle 11 for release of personal information
- › validity of marriage under the Marriage Act and Migration Act
- › clearing Personal Identifiers Statements under the Australian Citizenship Act, Privacy Act, Commonwealth Electoral Act and Australian Passports Act
- › the Migration Act and regulations in relation to amendments, Ministerial determinations and rules.

DIAC – advising on:

- › a compensation claim for breach of privacy regarding personal information in sponsorship applications under the Privacy Act
- › the liability of contracted service providers under the Freedom of Information Act
- › the interpretation of search warrant provisions in its legislation and advice on privacy issues arising from its relationship with a company exercising statutory powers.

DEEWR - advising on:

- › the implications of release of personal information in stolen files
- › on the transfer of files and personal information between government departments and agencies.

Dispute resolution and litigation

DHS, DCA, Defence, Medicare, DoHA, DEEWR, DVA, and Comcare - representation in litigation before the OIAC and the AAT including interlocutory applications, hearings, conferences, mediations and conciliations.

DEEWR, Medicare, Health, PHIAC, DVA and Comcare – assistance in AAT litigation by preparing section 37 statements and T-documents, attending conferences, drafting statements of issues and facts and contentions.

PHIAC - preparing stay hearings and confidentiality orders for PHIAC in AAT litigation.

DoHA and PHIAC – representation in Federal Court litigation by preparing submissions, pleadings, and answering discovery requests.

PHIAC – advising and representing PHIAC in Federal Court matters under the Administrative Decisions Judicial Review Act, the Judiciary Act and the accrued jurisdiction of the Federal Court.

Medicare - preparing submissions, pleadings, answering discovery requests for Medicare in

Federal Court litigation involving pharmacists, private hospitals and workers compensation.

Corporate and commercial law

NHMRC - advising and drafting contract clauses, grant agreements, MOUs and deeds of novation.

DoHA and Department of Human Services - advising on:

- › grant agreements and contractual obligations pursuant to the Aged Persons Homes Act and the Aged or Disabled Persons Homes Act
- › advising on KPI requirements in contracts and deeds.

Australian Customs and Border Protection - drafting and preparing deeds of amendment and novation.

DEEWR – advising on agreements generally including:

- › the interpretation of contract clauses relating to consortiums and insurance
- › drafting and preparing extensions of contracts for DEEWR
- › drafting and preparing memorandums of understanding.

SECONDMENTS

Tara has undertaken many secondments to Australian Government Departments. Examples of key recent secondments include:

2016 - Secondments to the Department of Human Services to advise in the Privacy and Access to Information Branch.

2016 - Secondments to the Department of Innovation, Industry and Science to advise the Australian Building Codes Board generally and particularly on inter-governmental agreements, trade marks, special accounts and Commonwealth liability.

2014 - Secondments to the National Health and Medical Research Council advising on Privacy, delegations and authorisations, roles and responsibilities, the PGPA Act and administrative law.

EMPLOYMENT

Prior to joining Proximity Legal, Tara worked with DLA Piper in 2010 and with DLA Phillips Fox from September 1997 to October 2009. During this twelve year period she had two children.

Prior to her work with DLA, Tara worked for two years (from 1995 to 1997) as an associate to Senior Member Barbour (later the NSW Ombudsmen) at the Commonwealth Administrative Appeals Tribunal.

From 1993 to 1994 Tara worked for Professor Margaret Allars on a Federal Inquiry including researching and drafting the Report of the Inquiry into the use of Pituitary derived hormones in Australia and Creutzfeldt-Jakob Disease.

QUALIFICATIONS

- › Bachelor of Laws (Australian National University)
- › Bachelor of Science (Australian National University)
- › Masters in Law - Government and Commercial law (Australian National University)
- › Graduate Diploma in Legal Practice (NSW College of Law)
- › Certificate course in Bioethics (Curtin University)
- › Admitted as a lawyer of the Supreme Court of the ACT (2000)
- › Admitted as a lawyer of the Supreme Court of New South Wales (1995)
- › Unrestricted practicing certificate.