

## Simon Taylor

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### BACKGROUND

Simon has over 25 years' experience as a lawyer within government and the private sector (including with the Australian Prudential Regulation Authority and PWC Legal). He has advised on government and information law issues, legislation development, financial sector regulatory law, drafting instruments and procurement.

Simon has a NV1 security clearance.

### EXPERTISE

#### Information law

Simon has advised on:

- › obligations of Commonwealth and private sector entities under the Privacy Act 1988
- › privacy issues relating to a proposed cloud-hosted HR solution
- › secrecy provisions and the disclosure of information by and between agencies
- › data breach legislation
- › freedom of information (including as FOI officer of a Commonwealth agency)
- › defamation issues arising from disclosures by Commonwealth entities
- › amendments to secrecy provisions to allow disclosure of information in appropriate circumstances
- › legislation for the transfer of records between agencies to avoid unintended consequences arising from two sets of secrecy provisions applying to the transferred information
- › the development of a legislative framework for statistical collections (the Financial Sector (Collection of Data) Act 2001)
- › drafting reporting standards for the collection of statistics
- › the Electronic Transactions Act 1999
- › the drafting of confidentiality agreements.

#### Government law

- › administrative decision-making and natural justice
- › statutory interpretation
- › requirements relating to legislative instruments
- › issues relating to grants
- › advising on free trade agreements
- › content of annual reports
- › requirements of accountability legislation.

### **Drafting instruments**

Simon has drafted:

- › reporting standards for the collection of statistics
- › prudential standards for the regulation of financial institutions
- › Transfer Rules under the Financial Sector (Transfer and Restructure) Act 1999
- › tax file declaration instruments for superannuation purposes
- › regulatory directions and licence conditions
- › delegations
- › explanatory statements and explanatory memorandums
- › Regulation Impact Statements
- › memoranda of understanding
- › statements of reasons
- › confidentiality undertakings.

### **Regulatory law**

Simon has extensive experience advising on:

- › formal and practical options to achieve regulatory objectives
- › authorisation and re-authorisation of institutions
- › the drafting of licence conditions
- › framing special licenses for entities engaging in narrow or cutting-edge business activities
- › the drafting of standards and other legislative instruments
- › enforcement options, including directions and natural justice requirements
- › information-gathering
- › the treatment of complex or novel transactions under a regulatory framework
- › whether domestic legislation meets international obligations (such as IMF requirements)
- › the implications of draft free trade agreements for domestic regulation
- › the regulation of superannuation funds, Authorised Deposit-Taking Institutions, life insurers, general insurers, private health insurers and payment systems
- › the development of legislative frameworks for regulation.

### **Legislation development**

Simon has advised on a range of legislative projects, working closely with OPC and policy officers from the Australian Prudential Regulation Authority and Treasury, including:

- › a crisis management framework for the resolution of distressed financial groups (the Financial Sector Legislation Amendment (Crisis Resolution Powers and Other Measures) Act 2018)
- › legislation transferring the functions, staff, assets and liabilities of the former Private Health Insurance Administration Council (PHIAC) to APRA (Private Health Insurance (Prudential Supervision) Act 2015 and Private Health Insurance (Prudential Supervision) (Consequential Amendments and Transitional Provisions) Act 2015)
- › ‘Stronger Super’ reforms, passed in 2012 and 2013, which amended the Superannuation Industry (Supervision) Act 1993 to improve the efficiency and competitiveness of the superannuation industry
- › a framework for statistical collections (the Financial Sector (Collection of Data) Act 2001)
- › legislation to facilitate margin payments against uncleared over-the-counter derivatives exposures (Financial System Legislation Amendment (Resilience and Collateral Protections) Act 2016)
- › proposals to manage impacts of the global financial crisis on APRA-regulated institutions in 2008
- › US Free Trade Agreement amendments to the Life Insurance Act 1995 to provide for foreign life insurers to enter the Australian market
- › the Basel Committee on Banking Supervision’s revised framework for capital measurement and capital standards (‘Basel II’) in Australia
- › a framework for the prudential regulation of insurers (the General Insurance Reform Act 2001).

### **Corporate advice, including procurement**

Simon has advised on:

- › IT procurement contracts, including supervising a project to update APRA’s IT and general consultancy contracts and tender documentation
- › Tender documents
- › Construction contracts for office refurbishment
- › Leases of premises
- › HR-related contracts (eg public sector secondment agreements, agreements with personnel consultants)
- › HR issues (eg matters arising under discrimination legislation).

## **Management**

Simon's experience includes:

- › managing the Public Law Branch in the Department of Families, Housing, Community Services and Indigenous Affairs;
- › managing legal teams within the Australian Prudential Regulation Authority and in private practice (PWC Legal).

## **PRESENTATIONS AND TRAINING**

Simon has:

- › presented a regular half-day seminar on administrative law
- › written an online multimedia administrative law training course
- › presented on Australia's policy responses to the GFC at the Bank of England Centre for Central Banking Studies (London) in April 2016
- › spoken on superannuation trustee conflicts of interest at the Law Council Superannuation Lawyers' conference in February 2015
- › appeared as a panellist at the Superannuation Lawyers conference in February 2014, where he discussed, and answered questions on, the Stronger Super reforms, trustee duties and prudential standards
- › spoken at the Australian Business Lawyers' Conference in November 2008 on the Commonwealth response to the GFC.

## **QUALIFICATIONS**

- › Bachelor of Laws (Hons.) (Australian National University)
- › Bachelor of Arts (Australian National University)
- › Admitted as a lawyer of the Supreme Courts of the ACT and NSW and High Court of Australia
- › Unrestricted practicing certificate