



Daniel Knight

Partner

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OVERVIEW

Daniel is a commercial and regulatory lawyer with a focus on the financial services industry. He advises clients across the industry, including fund managers, banks, financial advisers, FinTechs, superannuation fund trustees, regulated lenders and other financial services firms. He also advises major retail brands on the distribution of financial products.

Daniel assists clients to navigate the Australian financial services and credit regulatory regimes and helps them develop practical solutions to meet their licensing, disclosure and other compliance obligations.

Daniel is a key resource for FinTech startups, incumbents and industry bodies, across a range of areas including open banking, blockchain solutions and payment systems. Clients appreciate his sound, pragmatic advice and assistance.

Daniel also often advises local and international clients on a range of regulatory and compliance issues, including anti-money laundering (AML) laws, bribery and corruption issues and associated governance measures.

ACHIEVEMENTS

- *Chambers FinTech*, ranked individual in FinTech Legal - Australia (2021)

PROFESSIONAL / CIVIC ACTIVITIES

- Law Institute of Victoria

SPEAKING ENGAGEMENTS

- Panel member, "Open Banking: What this means for fintech startups", Tank Stream Labs Lunch & Learn Series, July 2020
- "Superannuation Fund Investment in Private Equity", K&L Gates Virtual Roundtable, June 2020
- Panel member, "Regulation post Royal Commission", Financial Services Council Summit, August 2019

- Presentation on GIRO, ASIC Regtech Financial Advice Files: Demonstration and Symposium, August 2019
- "Importance of Regtech in the New Reality of Banking" (panel moderator) - Fintech Australia's Intersekt Festival, October 2018.
- "RegTech Update" - Governance Institute, July 2018.
- "The Rise and Fall of Faster Payments Infrastructure" - Money20/20 Asia Melbourne Roadshow, November 2017.
- "Smart Contracting: Impact on Lawyers and Commercial Transactions" - University of NSW CPD Seminar, July 2017.
- "Regulatory Update" – AIMA's Mid Year Regulatory Update & Ops Workshop, June 2017.
- "Fintech Masterclass: AFSL Workshop For Fintech Startups", event hosted by NextMoney, April 2017.
- "FinTech and Smart Contracts", K&L Gates Melbourne CPD Sessions, March 2017.
- "FinTech – Industry Responses to Technology and Disruption", October 2015.
- "Financial Services 2.0 – A Regulatory Perspective", October 2014.
- "Financial Services Update", Australian Corporate Lawyers Association, Melbourne, October 2013.

EDUCATION

- B.Sc., Monash University, 2007
- LL.B., Monash University, 2007 (*Honours*)

ADMISSIONS

- High Court of Australia
- Supreme Court of Victoria

THOUGHT LEADERSHIP POWERED BY HUB

- 22 April 2021, Payments Across the Globe Miniseries - Trends in Australia (*Podcast*)
- 4 March 2021, Singapore Academy of Law Considers the Impact of Robotics and Artificial Intelligence on the Law (*Alerts/Updates*)
- March 2021, Design and Distribution Obligations: Let's Get Practical (*Webinar*)
- 19 November 2020, Public Consultation Underway for Consumer Credit Reforms (*Alerts/Updates*)
- 12 October 2020, Responsible Lending Laws Regarded as 'Unsuitable' (*Alerts/Updates*)

- 1 September 2020, COVID-19: Update on Government and Regulator Responses for Superannuation Funds and Fund Managers (*Alerts/Updates*)
- 6 May 2020, COVID-19: (Australia) Government and Regulator Responses for Superannuation Funds and Fund Managers (Updated) (*Alerts/Updates*)
- 7 April 2020, COVID-19: (Australia) Government and Regulator Responses for Superannuation Funds and Fund Managers (*Alerts/Updates*)
- 31 March 2020, Expanding Your Fintech/Payments Business to the U.S. (*BlogPost*)
- 20 August 2019, Enforcement – A New Environment (*Alerts/Updates*)
- 10 October 2018, Life Insurance – Some Sales Tactics Exposed (*Alerts/Updates*)
- 5 September 2018, Design & Distribution Bill: A Reflection of the Current "Consumer-Centric" Climate (*Alerts/Updates*)
- 5 September 2018, Design & Distribution Bill: A Reflection of the Current "Consumer-Centric" Climate (*BlogPost*)
- 20 August 2018, Australian Treasury Releases Draft Bill on Consumer Data Right (*BlogPost*)
- 23 July 2018, The Regulatory Landscape in the Wake of the Royal Commission (*Video*)
- 15 May 2018, Federal Government to implement Open Banking regime in Australia (*BlogPost*)
- 27 October 2017, Reporting Entities Beware: AUSTRAC is Becoming More Active and Getting More Powers (*Alerts/Updates*)
- 28 July 2017, Crowdfunding Regulation Part 1: Guidance For Public Companies (*BlogPost*)
- 28 July 2017, Crowdfunding Regulation Part 2: Guidance For CSF Intermediaries (*BlogPost*)
- 20 July 2017, Proposed APRA powers over non-bank lenders (*BlogPost*)
- 26 May 2017, Australia to get a bigger sandbox (*BlogPost*)
- 10 April 2017, Part 3: Looking to become a CSF intermediary under the new Australian crowd sourced funding regime? (*BlogPost*)
- 10 April 2017, Part 2: Looking to raise capital under the new Australian crowd sourced funding regime? (*BlogPost*)
- 10 April 2017, Part 1: What is the new Australian crowd sourced funding regime? (*BlogPost*)
- 31 January 2017, Reminder: Fee and Cost Disclosure - RG 97 Extension (*Alerts/Updates*)
- 4 September 2016, Roboadvisers are Go: ASIC guidance for digital advice (*BlogPost*)
- 9 June 2016, Regulatory sandbox and innovative regulation (*BlogPost*)

- 17 April 2016, FinTechs get ready to play in the sandbox (*BlogPost*)
- 30 March 2016, Marketplace lending how-to from the Australian regulator (*BlogPost*)
- 14 December 2015, Simpler Regulatory Path for Australia's Peer to Peer Lending Platforms? (*BlogPost*)
- 13 December 2015, I'm in FinTech. Do I Need an Australian Financial Services Licence (AFSL)? (*BlogPost*)
- 28 July 2015, Unpacking the Australian OTC Derivative Reporting Regime (*Alerts/Updates*)

OTHER PUBLICATIONS

- "Crowdfunding for success," *Ragtrader*, August 2017
- "Fashtech," *Ragtrader*, March 2017
- "Investment Management Business in Australia," *The Investment Lawyer*, Vol. 22, No. 8, 8 August 2015
- "Facilitation Payments – An Australian Perspective," FCPA Blog, 13 July 2012
- "Guidance Desperately Needed on Bribery Laws," *The Australian*, 2 March 2012
- "Governance without Borders," *Keeping Good Companies – Journal of Chartered Secretaries Australia Ltd*, Vol. 64, No. 1, February 2012
- "Scaled Advice under the Future of Financial Advice Reforms," *Banking and Financial Services Alert*, 2 December 2011

NEWS & EVENTS

- 19 July 2021, K&L Gates Acts for Fintech Butn Limited on Pre-IPO and ASX Listing (*Noteworthy Work*)
- 16 December 2020, K&L Gates Recognized in Chambers 2021 Asia Pacific and FinTech Guides (*Rankings & Recognitions*)
- 21 February 2019, K&L Gates Names 24 New Partners Across Four Continents (*Press Release*)

MEDIA MENTIONS

- "ASIC 'excited' by regtech solutions in responsible lending", *FintechBusiness.com*, 24 August 2020
- "How open banking will drive lender approaches to regtech", *RFI Group*, 20 August 2020
- "Judges reveal their hot tips for the 2020 Finnies Awards", *RFI Group*, 8 March 2020

AREAS OF FOCUS

- Asset Management and Investment Funds

- Anti-Bribery and Anti-Corruption
- Anti-Money Laundering (AML)
- Fintech Lending
- Global Distribution
- Global Financial Services Regulation
- Hedge Funds
- Institutional Investors
- Investment Advisers
- Investment Funds
- Payments, Banking Regulation, and Consumer Financial Services
- Portfolio Management, Trading, and Compliance
- Private Equity Funds
- Real Estate Funds

INDUSTRIES

- Artificial Intelligence and Machine Learning
- Blockchain
- Financial Services
- Fintech
- Technology

REPRESENTATIVE EXPERIENCE

Funds Management

- Establishing a registered managed investment scheme investing in fixed interest assets, including preparation of the constitution in accordance with ASIC requirements and to enable the scheme to be an Attribution Managed Investment Trust (AMIT).
- Assisting the manager of a large mortgage fund to update its Product Disclosure Statement, including to address indirect costs disclosure requirements under ASIC Regulatory Guide 97.
- Establishing a wholesale quantitative hedge fund investing in foreign equities, including preparing disclosure documentation and negotiating prime brokerage arrangements.

- Assisting a Singapore listed real estate fund manager on the AU\$410 million acquisition and development of commercial real property in North Sydney through an Australian Managed Investment Trust.
- Advising a U.S. 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.
- Preparing Product Disclosure Statements (PDSs) for funds managed by a US hedge fund manager, including to address ASIC's disclosure benchmark requirements.
- Assisting offshore fund managers to obtain individual and class relief from the Australian financial services licensing regime based on mutual recognition arrangements.
- Negotiating investment management agreements between managers and third party responsible entities and superannuation trustees across a range of funds.
- Assisting a number of emerging investment managers establish wholesale and retail funds across a range of asset classes (including direct property, equities, fixed income, commodities, etc) employing diverse investment strategies.

Financial Product Advice and Financial Planning

- Assisting a retail bank aligned financial planning dealer group respond to ASIC's reforms to the regulation of managed discretionary accounts (MDAs), including providing strategic guidance on the various alternative structures and preparing their MDA documentation.
- Advising a retail bank on updates to its full suite of adviser agreements, including to ensure sufficient protection for the bank and to address the impact of unfair contract terms laws.
- Advising two of Australia's largest retail banks on the compliance and disclosure obligations associated with their financial planning divisions, including in connection with regulator inquiries.
- Advising clients in relation to "fee for no service" issues, including assisting with breach notification, remediation and Royal Commission responses.
- Advising a managed fund platform operator about the implications of the Australian Federal Government's 'Future of Financial Advice' (FOFA) reforms.

Superannuation

- Advising one of Australia's largest superannuation funds on a range of private equity investments into a range of vehicles, including US LLC, Cayman Islands limited partnerships, etc, as well as assisting with the establishment of a "fund-of-one" vehicle (comprising a US limited partnership and an Australian managed investment scheme).
- Advising a financial planning licensee about the impact of FOFA's conflicted remuneration ban on proposed revenue streams associated with investment consulting services for a separately managed account offering.

- Advising Tasplan Superannuation, a not-for-profit superannuation fund, on their merger with a Tasmanian State Government operated superannuation scheme, resulting in a fund with 165,000 members and AU\$8 billion in funds.
- Advising a superannuation fund trustee on responding to the strategic implications of the Australian Federal Government's "Stronger Super" reforms. Negotiating investment management agreements and other material outsourcing arrangements for superannuation fund trustees.
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- Assisting a number of superannuation fund trustees vary their RSE Licences to include authorisations to operate MySuper products and advising on the associated product design and trust deed amendments.
- Advising a retail superannuation fund on governance arrangements to address conflict of interest issues.

FinTech

- Assisting with the launch of a novel gold-back stable coin and our team leveraged hands-on, practical knowledge of financial services regulation to develop a token structure which provided a simple compliant solution to these regulatory challenges.
- Advising a listed payment company on expanding their Australian offering into new sectors by satisfying legal regulations and card scheme requirements.
- Advising a neo super fund on the provision of innovative services to fund members and the promotion of the fund through loyalty programs, social media, employer engagement.
- Advising an innovative fintech payments startup on the licensing and AML implications of its proposed payment services.
- Advising on the establishment of an online portal for listed company placements.
- Regulatory advice in connection with the establishment of an ESVCLP and obtaining concessional tax treatment through registration with ISA
- Advising an Australian bitcoin exchange on the licensing, foreign exchange and money-laundering implications of its current activities and advising on its proposals to establish a pooled cryptocurrency fund.
- Establishing the Australian operations of a multinational peer-to-peer lender, including establishing a managed investment scheme to accept retail investment, assisting them obtain an Australian Financial Services Licence and Australian Credit Licence.
- Establishing a retail consumer and small business lending marketplace, including obtaining registration of a fund to enable the lending and preparation of a Product Disclosure Statement.
- Assisting a global provider of micro-merchant payment services to obtain an Australian Financial Services Licence and establish its non-cash payment services in Australia.
- Assisting a wholesale crowdfunding platform obtain an AFSL and advising on authorised activities.

- Advising FinTech start-ups on the licensing implications of their proposed activities across a range of verticals, including innovative payment solutions, cryptocurrencies, marketplace lending and robo-advice.

Finance

- Advising clients on a range of Australian Credit Licence compliance issues.
- Advising a boutique lender regarding its reverse mortgage loan book and the consumer credit licensing and disclosure issues relevant to the collection phase of this book, including assisting with responses to client complaints through the Financial Ombudsman Service.
- Establishing a special purpose lending vehicle to provide mezzanine finance to small to medium enterprises, using funds raised through a collateralised note program.

Distribution

- Providing advice to a major retail brand about distribution of a range of insurance products, including advice on anti-hawking and conflicted remuneration issues
- Advising a multinational electronics manufacturer about distribution of device finance and insurance.
- Advising a listed online classifieds business on its distribution of a range of finance, warranty and insurance products.
- Assisting a health insurer develop internal processes for distributing aligned financial products.

Other Regulatory Matters

- In relation to connection with an acquisition, we assisted an Australian financial services provider with an anti-money laundering (AML) breach, including liaising with AUSTRAC to obtain, on an urgent basis, a no-action letter confirming that AUSTRAC would not take any action.
- Advising a gaming platform about the financial services licensing implications of its payment solutions, including in connection with purchases through the platform and in-game currency.
- Advising various entities about the application of the Australian Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth).
- Developing Australian privacy policies for a range of local and international financial services entities.
- Assisting a multinational manufacturing company respond to bribery investigations and enforcement activity and assisting the entity to implement compliance processes.
- Providing guidance to a global engineering firm on its anti-bribery compliance regime.
- Advising a range of multinational businesses on their anti-bribery and corruption procedures and developing their policies and training content.