



Tom Young

Partner

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OVERVIEW

Tom Young is a corporate partner based in Brisbane focusing on aviation and transport, tourism and hospitality, infrastructure and real estate.

He brings significant experience to government and private sector related areas of law, working with airports and leading airlines, rail and ports in relation to the operation of airports, regulatory and real estate matters, airport privatisations and commercial partnerships.

He is also a specialist in the legal framework that governs the usage of drones by the aviation, rail, mining, agricultural and commercial industries and regularly presents to Government, mining companies and other lawyers in relation to the commercial application of drones and various regulatory and contract issues associated with them.

Tom also has an in-depth understanding of Queensland, Australian and Asia Pacific tourism industries. In the hospitality industry, Tom is a national recognised expert in resort and hotel accommodation, liquor and gaming, and acts in the development and acquisition of major hotels and resorts.

Tom has a keen focus in supporting indigenous initiatives spanning over the tourism and property sectors. He has actively participated and provided pro bono support to Queensland Tourism Industry Council for the Year of Indigenous Tourism, First Nations Tourism Consultation and the Champions Network. He is also actively involved in numerous pro bono property and leasing ventures.

He has over 30 years' experience in commercial property law spanning development and approvals, acquisitions, due diligence investigations to industrial and retail leasing matters with extensive experience in negotiating major leasing deals.

Tom has a keen interest in the health and life science sector and has applied his expertise to a wide range of transactions from real estate and operational aspects of health facilities, through to medical innovation, research and regulatory advice.

PROFESSIONAL BACKGROUND

Prior to joining K&L Gates, Tom worked as a partner for 18 years at an international law firm based in Brisbane.

ACHIEVEMENTS

- Recognised by *Who's Who Legal* for Hospitality in Australia, 2023
- Recognised by *Chambers Asia-Pacific* for Aviation in Australia, 2021-2024
- Listed in *The Best Lawyers in Australia*™ for Real Estate Law, 2019-2023
- Recognised as a recommended lawyer by *The Legal 500 Asia Pacific* for Transport: Aviation in Australia, 2012-2015, 2017-2018, 2020
- Recognised as the winner of the *Client Choice Awards* for International for Leisure & Tourism in Australia, 2013

PROFESSIONAL / CIVIC ACTIVITIES

- Deputy Chair and Board Director, Board of Tourism Whitsundays
- Proxy Directorship, Outback Tourism

EDUCATION

- LL.B., University of Queensland, 1987

ADMISSIONS

- Supreme Court of Queensland

THOUGHT LEADERSHIP POWERED BY HUB

- 10 October 2023, Advanced Air Mobility: Busy Skies Ahead
- 22 June 2023, Supporting the Emerging Flying Taxis Sector
- 17 November 2022, Reminder – Time is Running Out to Obtain Your Director Identification Number (DIN)
- February 2022, It's Not 'A Game of Drones' – The Regulatory and Contractual Matrix Governing Drone Operations

NEWS & EVENTS

- 14 December 2023, Chambers Asia-Pacific 2024 Guide Recognises K&L Gates
- 16 December 2021, Chambers Asia-Pacific 2022 Guide Recognises K&L Gates
- 18 May 2021, K&L Gates Grows Corporate Practice with Brisbane Partner and Special Counsel Appointments

AREAS OF FOCUS

- Mergers and Acquisitions
- Commercial Ownership, Leasing, and Management
- Health Care and FDA
- Real Estate Acquisitions and Dispositions
- Real Estate Development and Construction

INDUSTRIES

- Aviation
- Betting and Gaming
- Cannabis
- Consumer Products
- Resort, Hospitality, and Leisure
- Space
- Transportation and Logistics

REPRESENTATIVE EXPERIENCE

- Assisting Hydroganics in obtaining its medicinal cannabis licences including regulatory advice and obtaining planning approvals in relation to the development of a \$333 million facility in South East Queensland.
- Advising PreveCeutical (Australia) on research and development (R&D) incentives granted for innovative research by the Australian Taxation Office, the novation of UniQuest agreements to PreveCeutical (Australia), and drafting the Research Services Agreement between the parent Canadian company and PreveCeutical (Australia) in order for PreveCeutical (Australia) to qualify for R&D incentives.
- Advising recently incorporated PreveCeutical Australia Pty Ltd, a subsidiary of PreveCeutical Medical Inc, regarding a diverse range of medical research programs to be conducted by the University of Queensland (UniQuest), at the request of PreveCeutical Australia Pty Ltd (by novation), including advising on Research and Option Agreements with UniQuest in respect of the following research programs: Stabilisation of blue scorpion venom; Sol-gels for nasal delivery of cannabinoids; Smart siRNAs for the treatment of diabetes and obesity; and Disulfide linker technology in engineering analgesic peptides derived from endogenous pharmacology (dynorphins).
- Engaged by Asterion (Australia) to draft a Memorandum of Understanding with University of Queensland (Queensland Alliance for Agriculture and Food Innovation - QAAFI) in relation to stem cell research in

developing different strains of medicinal cannabis, and subsequently acting for Asterion (Australia) in the negotiation of a collaborative research agreement between Asterion (Australia) and the QAAFI for a 'proof-of-concept' research program relating to Asterion's medicinal cannabis project.

- Advising recently incorporated Australian company, Asterion (Australia) Pty Ltd, a subsidiary of Canadian company Asterion Cannabis Inc, regarding the required planning, property, cultivation, distribution and transport licenses, consents and approvals necessary for the establishment and operation of its Australian flagship 75 hectare cutting-edge secure greenhouse facility, for the production of bulk high-quality medicinal cannabis.
- Advised a China based client in the due diligence on a proposed AU\$100 million investment in an island resort facility in Queensland including circa 1,000 hotel rooms and apartments, maritime facilities, multiple bars, restaurants and on and off-island activities.
- Acting for Newmont in relation to The Granites Aerodrome in providing advice in relation to the compliance by the aerodrome with requirements of the Manual of Standards.
- Acting for a major developer in respect of its Pentridge development in making controlled activity applications for intrusion by cranes into prescribed airspace.
- Acting for The Airport Group (TAG) regarding its consideration of ongoing obligations under its agreement with Air services Australia including its long term liability. This work required a depth of understanding of the regulatory regime within which Air services Australia and TAG operate. Our advice was also based on our knowledge of the principles of contract interpretation in the aviation context against the background of the COVID-19 pandemic. This matter was significant as the services which TAG provides to enable regional airports to operate safely and efficiently are essential given that these airports are an important link for regional centres and capital cities. Tom and the team demonstrated their commercial acumen to put forward effective solutions while also taking into account the challenges attributable to COVID-19.
- Advising PNG Air in relation to provisions of Civil Aviation Safety Regulations (PNG) and providing assistance in drafting correspondence to PNG CASA.
- Acting for Western Sydney Airport (WSA Co) in relation to the development of the new Airport which included advice on WSA Co's obligations under the Airport Lease and site management responsibilities as the site occupier. Also provided regulatory compliance advice, including advice regarding the regulatory approvals required for the operation of the Western Sydney Airport, advice on compliance with the Airports Act 1996 and compliance with other Commonwealth and State laws.
- Advising AMP and Infrastructure Capital Group in relation to real estate and regulatory advice and due diligence in relation to the privatisation of Port Hedland International Airport including acting on behalf of the consortium in drafting and negotiation the terms of the long term lease of the Airport from the town of Port Hedland. Also reviewed and drafted the terms of a sublease of part of the Airport to an operating company together with an associated management agreement. This involved a comprehensive understanding of the regulatory issues to ensure that the leases complied with regulatory requirements. Also advised on relation to property issues arising out of the surveyed boundaries of the airport lease.

- Advising Infrastructure Capital Group, as the proposed commercial partner, in relation to the operations of the Sunshine Coast Regional Airport in providing real estate and regulatory advice and due diligence in relation to the initiative. This included undertaking a property due diligence of the Airport and a review of relevant tenure documents. Also drafted and negotiated amendments to the proposed lease of the Sunshine Coast Regional Airport from the Council on behalf of one of the proposed bidders.
- Advising Queensland Treasury Corporation in relation to the amalgamation of a number of regional airports under a single operator which involved due diligence on the relevant airports together with regulatory and structuring advice.
- Advising a NSW Government Department in relation to using drones for maintenance and other aerial works, including advice on the legal obligations applicable to the operation of drones and the potential penalties and liabilities. Also reviewed the drones operations manual and associated drones framework and procedures. This review covered not only compliance with CASA requirements, but also other critical issues associated with drones operations including the department's privacy policy for drones and work, health and safety issues.
- Advising an international mining company in relation to the use of its drone fleet as part of its business operations. Our role included a consideration of the requirements of Part 101 of the Civil Aviation Safety Regulations 1998 (Cth) (CASR) which govern the operation of drones, as well as other laws applicable to their use.
- Advising the Australian Postal Corporation in relation to the potential application of drones in the delivery of parcels, including advice on the relevant regulatory framework and drafting bespoke supply agreements for design and delivery.
- Advising Hamilton Island Enterprises (HIE) in relation to public administrative law. Based on many years' experience in acting for hotels and resorts, we identified several legal grounds on which HIE could challenge Council's decision to close the Shute Harbour Terminal. This matter required advice regarding town planning, competition law and public administrative law. Proceedings were ultimately issued on town planning grounds. As a result of the strategic advice we provided, Council ultimately agreed to delay the closure until after the busy Christmas holiday season and to significantly reduce the closure period to three weeks, saving HIE approximately AU\$1 million in costs and significant disruption to its business.
- Advising Savills, on behalf of Prince Hotels, Inc, in the AU\$50 million acquisition of the Staywell Hospitality Group international hotel chain including in relation to the due diligence on management letting rights, management agreements, marketing agreements and joint ventures and advising in relation to contract issues. The Staywell Hotel Group, which includes the Park Regis and Leisure Inn brands, operates 18 hotels and has another 12 currently in development. With assets in Australia, the UK, UAE, Singapore, China, Thailand and Indonesia, the acquisition was one of the largest Australian hotel M&A deals in 2017.