



## Brian Healey

### Partner

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## OVERVIEW

Brian Healey is a partner in the firm's Real Estate practice. He has more than 20 years of experience dedicated to servicing clients in agribusiness and primary industries across Australia. Focusing on agricultural property, water rights and investment in agribusiness, he has advised on some of Australia's most prominent rural transactions in all Australian states in areas as diverse as cattle, cotton, dairy, wheat, horticulture, permanent row crops and vineyards amongst others.

His experience includes all forms of agricultural property transactions, rural and irrigation water transactions, and leading teams in mergers and acquisitions. He also assists inbound investors and domestic agribusinesses with their investment and day-to-day legal requirements. In 2014, he completed what was reported as possibly the largest farmland sale in the world that year.

Brian acts for local and international agribusinesses, primary producers and investors across their range of legal needs. His in-bound clients are drawn from China, Singapore, Canada, and the United States amongst others. Recognising agriculture and agricultural assets as a distinct investment asset class has allowed Brian to assist investors in agriculture and domestic agribusinesses to match capital with the experience to unlock opportunity for agribusinesses, producers, and investors alike.

Clients benefit from his knowledge and timely services which, when coupled with practical industry knowledge, result in a commercial approach to closing transactions. He recognises that not all transactions are the same nor are the key drivers of the parties and that legal services and transaction support must be matched and delivered to his clients' needs. He works Australia wide completing transactions where his clients invest - Queensland, New South Wales, Victoria, Tasmania and the Northern Territory predominantly.

Brian is recognised as a Preeminent Agribusiness Lawyer and Leading Agribusiness Lawyer in *Doyle's Guide* 2016 to 2021 and was recognised by his peers as one of Australia's leading Agriculture and Rural Affairs lawyers in the 2017 to 2022 editions of the *Best Lawyers in Australia* publication including recognition as Agribusiness Lawyer of the Year for Queensland in 2022.

## PROFESSIONAL BACKGROUND

Prior to joining the firm, Brian was the national agribusiness practice group leader at a large Australian law firm.

## ACHIEVEMENTS

- Listed by *Best Lawyers in Australia*™
  - 'Lawyer of the Year' for Agriculture and Rural Affairs, 2023
  - Agriculture and Rural Affairs, 2017–2025
- Recommended by *Doyle's Guide*
  - Preeminent Agribusiness Lawyer – Queensland, 2016–2018, 2021-2024
  - Leading Agribusiness Lawyer – Queensland, 2019–2020

## PROFESSIONAL / CIVIC ACTIVITIES

- Member, Law Society of Queensland
- Director, Agribusiness Association of Australia
- Director, Pyjama Foundation Limited
- Committee Member, Food & Agribusiness Working Committee, Australia China Business Council (Qld)

## SPEAKING ENGAGEMENTS

- Speaker, "Upcoming Disruptions affecting International Trade and Investment of Main Agricultural Commodities, Tokyo, 11 - 13 September 2019.
- Speaker, "Getting Your Agribusiness Deal Done", Australia China Business Council Food and Agribusiness Forum, 24 May, 2019 Brisbane.
- Speaker, Television Education Network, Fourth Annual Agribusiness Law Conference, Melbourne, May 9 and 10, 2019 " FIRB Restrictions on Agricultural Land - The Future of Foreign Investment in the Sector".
- Chair, Food Security and Sustainable Agriculture Panel Session, Australia Indonesia Business Council 2018 Conference, 11-13 November 2018, Gold Coast, Queensland.
- Speaker, Television Education Network, Third Annual Agribusiness Law Conference, Melbourne, May 17 and 18, 2018 " Land Tenure Regulation - Opportunities and Challenges for Agricultural Growth".
- Speaker, jointly hosted presentation on Agribusiness Investing in Australia and Brazil with FTI Consulting, New York, 26 April 2018, "The Impact of the Foreign Investment Review Board Recent Guidance Note 17 on Investing in Australian Agriculture".
- Seminar Speaker, The impact of FIRB Guidance Note 17 "The open and transparent sale process" - What does this mean for your business, investment in Australian agriculture and FIRB Applications? Brisbane, Presented in house to external industry audience, February 22, 2018.

- Speaker and Panellist, "Investing in Queensland Agribusiness - Agrinvestor Briefing" jointly hosted with Bentleys Accountants and the State of Queensland, 13 April, 2018.
- Speaker and Panellist, AgInvestment Readiness Forum - hosted by K&L Gates and Bentleys Accountants, Brisbane, August 8, 2017.
- Seminar Speaker, The impact of FIRB Guidance Note 17 "The open and transparent sale process" - What does this mean for your business, investment in Australian agriculture and FIRB Applications? Brisbane, Presented in house to external industry audience, February 22, 2018.
- Presenter, Grains Research and Development Corporation Update, "Global Farmland Transactions", Toowoomba, 6 June 2017.
- Seminar Speaker, "Global Farmland Transactions - the rise of the sale and leaseback", Brisbane, Presented in house to external industry audience, November 24, 2016.
- Seminar Speaker, "Global Farmland Transactions - negotiating agreements, leases and navigating the regulations involved in farmland investment by global investors", Brisbane, Presented in house to external industry audience, September 22, 2016.
- Panelist, "Making new agricultural investments work", Northern Australia, Food Futures Conference, Darwin, 11-13 April 2016.
- Speaker, CEO Outback Business Summit, Parliament House, Brisbane, November 2015
- Speaker, Ag in the Asian Century Conference, Toowoomba and Surat Basin Enterprise, 22-24 September 2015
- Speaker, FoodProcure, Sydney, 3 June 2015
- Speaker, Queensland Aginvest Forum, Trade & Investment Queensland, Brisbane, 11 March 2014
- Speaker, Environment Institute of Australia and New Zealand, Brisbane, 22 August 2012
- Speaker, Tonkin Seminar, Agribusiness & Rural Industries, topics presented in Brisbane, Sydney and Melbourne to Australian lawyers

## EDUCATION

- Graduate Diploma in Legal Practice, Queensland University of Technology, 1996
- LL.B., Queensland University of Technology, 1995
- B.A., Griffith University, 1994

## ADMISSIONS

- High Court of Australia

- Supreme Court of New South Wales
- Supreme Court of Northern Territory
- Supreme Court of Queensland

## THOUGHT LEADERSHIP *POWERED BY HUB*

- January 2020, Agribusiness, Food & Beverage Sector Year in Review
- 23 November 2017, Notify the ATO of Your Water Rights: Foreign Register of Water Entitlements is Now in Place

## OTHER PUBLICATIONS

- Australia China Quarterly, "Feeding the future: China invests in the north-west", Volume 1, 2013

## NEWS & EVENTS

- 4 December 2015, K&L Gates Continues to Strengthen Brisbane Office with Hire of Partner Trio

## MEDIA MENTIONS

- Quoted, Australian Financial Review, "Options hit 150m as corporate buyers favour Australian farms".
- Quoted, Australian Financial Review, "Chinese investors heat up Australian farm buying spree", 27 September 2015
- Quoted, ABC Rural Radio, "A wave of US investor interest predicted for Australian agriculture", 17 July 2015
- Quoted, "US invest in Northern Rivers agriculture": The Daily Examiner, 22 July 2015
- Quoted, South China Morning Post, "Punting on Australian food bowl", 25 August 2014
- Quoted, Australian Financial Review, "Price falls hit miners carbon offset plans", 9 October 2012

## AREAS OF FOCUS

- Real Estate
- Real Estate Acquisitions and Dispositions
- Real Estate Joint Ventures

## INDUSTRIES

- Agribusiness

- Consumer Products

## REPRESENTATIVE EXPERIENCE

- Representing Olam International Limited in respect of leasing matters including long term leases with Rural Funds Group for almond plantations in Australia.
- Representing QGC in the leasing of its agricultural land portfolio in Queensland and all associated advice in relation to that undertaking.
- Acting as the lead lawyer for the contract negotiations, legal due diligence and settlement of the purchase of Kilcoy Pastoral Company (including abattoir) by the New Hope Food and Agriculture Fund of China.
- Representing Hewitt Cattle Australia Pty Ltd in the merger of its cattle business with Public Sector Pension Investment Board of Canada including merger of rural properties into the joint venture vehicle.
- Representing two of Australia's largest horticultural marketers in respect of property acquisitions and ongoing legal requirements.
- Representing a major Chinese textile manufacturer and trader in respect of acquisitions of New South Wales irrigation properties and ongoing acquisitions of irrigation rights.
- Representing a major agribusiness fund in the acquisition of the former Queensland cotton properties owned by Primeag Australia Limited including all contract negotiations and legal due diligence.
- Representing the Chinese Company Hailiang Agriculture Australia in the acquisition of major grazing properties in Queensland and Western Australia including 'Hollymount' and 'Mt Driven/Westernbrook' and advising on all agribusiness matters for Hailiang Agriculture Australia including all contract negotiations, legal due diligence and operational matters.
- Assisting Shanghai Zhongfu/Kimberley Agricultural Investment Pty Ltd with its investment in Australia's largest greenfield agricultural development in the Ord River Stage 2, Western Australia.
- Settled the AUD200 million sale and leaseback of Olam International Limited's orchard plantation in Mildura, Victoria to Adveq Almond Trust of Switzerland including all negotiations of transaction documentation and all facets of settling the transaction.
- Advising overseas investors extensively on Foreign Investment Review Board matters and the legislation.
- Representing overseas interests in respect of legal due diligence and contract negotiation processes in relation to beef processing enterprises.
- Drafting, reviewing and negotiating various agreements related to Agricultural land and Agribusiness interests including agistment agreements, sharefarm agreements, joint farming agreements, water leases and water sales, shared water agreements, land access agreements, and conduct and compensation agreements

- Representing overseas pension funds in acquisitions of dairy properties in Tasmania, cotton gins and properties in New South Wales, permanent row crop greenfield sites in Victoria, avocado properties in Queensland, and piggeries in Victoria.
- Acting in significant long term leasing transactions and agricultural development leases in various property types including cotton, avocado, macadamia nuts and vineyards.
- Representing Hewitt Cattle Australia Pty Ltd in acquisitions of grazing properties in Queensland.
- Successfully making Foreign Investment Review Board applications in agribusiness transactions and agricultural land transactions across cotton, dairy, almonds, wheat, beef and other agricultural land transactions.