

**ADAM MCLEAN  
BARRISTER  
RESUME**

Clerk - Foley's List  
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**Career Profile**

An experienced barrister and solicitor and manager with extensive experience in a wide range of legal disciplines and experience in providing high quality and strategic legal advice to a range of clients.

Many years' experience in advising Indigenous communities and corporations with respect to all aspects of native title, land rights, cultural heritage, resource agreements, infrastructure agreements, joint ventures, tourism ventures, regional framework agreements and related matters. Experience in advising governments in land rights and related matters.

Extensive experience in appearances in the Federal Court, other Courts and tribunals.

A trusted advisor and experienced in organisational change management, including financial systems, operational management and strategic planning with proven outcomes in cutting costs and positioning legal organisations in a healthy financial position.

Demonstrated experience in analysing information to compose comprehensive reports and strategic advice for government, stakeholders, clients and community organisations.

Extensive knowledge of current legislation and compliance measures with the ability to interpret law changes and regulatory requirements.

Focus on organisational excellence with a results and outcomes driven vision and methodologies complemented by a commitment to people development with an inclusive leadership and management style.

In depth financial manager experience, with a proven capacity to drive change and increase revenue and decrease costs.

## **Professional Experience**

### **2000-current Barrister**

#### Areas of practice

- Litigation, mediation, strategic and legal advice, and agreement making.
- Human rights, native title, land rights, environment law, criminal law, discrimination, industrial law, commercial law.
- Governance and organisational restructure.
- Commercial law including - joint venture agreements, government / private infrastructure agreements, mining and tourism agreements, organisation restructure documentation.
- Advice to government, Indigenous and community organisations, and corporate bodies.
- Litigation experience in Magistrates', County, Supreme, and Federal Courts.

#### **Significant briefs include:**

2015-present **General Counsel** – Cape York Land Council (CYLC), Cape York Partnerships 2015 to present.

- Native title litigation and agreement making, provision of advice regarding corporate restructures, workplace agreements, tourism, joint ventures, and mining agreements.
- Designing and delivering community engagement programs.

2011-2014 **General Counsel** – Australian Manufacturing Workers' Union (AMWU - Vehicle Division) 2011-2014.

- General industrial and employment law advice, appearances in the Fair Work Commission, Federal Magistrates Court and the Federal Court.
- Represented over 300 employees in the Fair Work Commission gaining high quality outcomes. Provided legal advice on a number of workplace agreements including drafting matters.

2010- 2013 **General Counsel** – Native Title Services Victoria (NTSV) -

- Provision of advice to NTSV and the indigenous community with respect to native title, the drafting and implementation of the first comprehensive agreements under the *Traditional Owner Settlement Act 2010* (TOSA).

2008 **Counsel** - Victorian Department of Sustainability and Environment (DSE) on a range of native title and related environmental matters.

2004-2005 **Special Counsel** - NSW Department of Aboriginal Affairs (DAA).

- Provision of advice and representation to the department during the "New South Wales Aboriginal Land Rights Act (ALRA) Review Task Force".

2000-2004      **General Counsel** – NSW Aboriginal Land Council

- Provision of advice on native title and land rights.

### **Key Achievements as a barrister 2000-to present**

Range of litigated and non-litigated outcomes including:

- The first Native Title application made pursuant to the Native Title Act 1993 (Cth) (NTA) (Wellington NSW).
- The first Indigenous Land Use Agreement (ILUA) in Australia under the NTA (Tumut NSW).
- Negotiated and drafted significant amendments to native title legislation.
- The first agreement where the traditional owners obtained equity in the mining company (Tumut NSW).
- The first comprehensive Native Title settlement in Australia under a framework agreement (Dja Dja Wurrung central Victoria, 2013).
- The first ILUA for management of a national park (Arakwal Byron Bay 2007). Recipient of the Packer award IUCN.
- Provision of advice to ATSIC regarding a state-wide framework agreement/protocol.
- Advice concerning the Victorian Traditional Owner Settlement Act 2010 (TOSA).
- Provision of high quality and strategic advice to the NSW Department of Aboriginal Affairs in the review of the NSW Aboriginal land rights system (*NSW Aboriginal Land Rights Act, 1983*) (ALRA).
- Successful negotiation and settlement of over 100 Mining and related agreements under the NTA and the ALRA.

#### **Part 4A NPWS**

- Representation and provision of advice to Aboriginal Negotiating Panels appointed pursuant to part 4A of the *National Parks and Wildlife Act* (NSW) for joint management of national parks:
  - Biamanga National Park,
  - Gulaga National Park,
  - Mt Grenfell,
  - Gaagal Wanggaan (South Beach) National Park Joint management program
  - Worimi Conservation Lands

**2013 to 2016**      **Cape York Land Council (CYLC), Cairns, Queensland**  
**Principal Legal Officer, acting CEO (occasional)**

#### **Responsibilities:**

- Managing a diverse range of lawyers and non-legal staff within CYLC and related organisations.
- Overseeing the provision of legal advice to individuals, groups and corporate entities.
- Creation and implementation of a new strategic plan for the organisation.
- Oversight of the operations of a complex organisation with difficult governance structures.
- Managing diverse client base including community and private entities.
- Federal, Supreme and tribunal appearances as lead advocate.
- Leading teams of legal, volunteer and support staff, anthropological, and other consultants from CYLC and key related entities of over 100 people.
- Stakeholder management and engagement including traditional owners, governments and the Federal Court.

#### **Achievements**

- As principal, designed and implemented a new legal strategy to achieve the core business of the organisation including cost savings in the order of \$60M over 10 years to CYLC and over \$100M in total savings to all parties. Positioned the organisation to considerably increase revenue.

#### **1997 to 1999 NSW Aboriginal Land Council, Sydney**

Solicitor

#### **Responsibilities**

- Advising, lodging and managing native title applications. Working with community organisations, governments and other stakeholders to settle native title and land law matters.

#### **Achievements**

- Lodged and managed over 120 key native title applications in NSW.
- Settled many applications including the first native title application in Australia.

#### **1992 to 1996 NSW Aboriginal Legal Service Ltd (ALS), Sydney**

Solicitor

#### **Responsibilities**

- Managing lawyer for the Service's northern offices (Lismore, Grafton and Kempsey NSW) civil and family practices and second criminal lawyer. Managing staff and legal workload.

#### **Achievements**

- Established the service's north coast civil practice.

- Appeared the Royal Commission into the NSW Police Service 1995-1997.
- Established the service's north coast family law practice.

### **Admitted to practice**

- 1999 **Barrister**  
New South Wales, Victoria and Australian Capital Territory
- Solicitor**
- 29/07/1991 High Court and Federal Court of Australia
- 23/03/1992 Supreme Court of Victoria  
New South Wales, Victoria and Australian Capital Territory and Federal jurisdictions.

### **Education and Training**

- 2015 Advanced Transforming Mediation Program
- 2011 Transforming Conflict – Advanced Skills Training for Mediators
- 2010 Institute of Arbitrators and Mediators Certificate
- 2010 Practitioner's Certificate in Mediation
- 1991 Graduate Diploma in Legal Practice  
The College of Law, Sydney
- 1990 Bachelor of Laws  
University of New South Wales, Sydney
- 1986 Bachelor of Zoology (Honours)  
La Trobe University, Melbourne
- 1985 Bachelor of Science  
La Trobe University, Melbourne

### **Professional Memberships**

- Current Human Rights Bar Association  
Australian Lawyers for Human Rights  
Institute of Arbitrators and Mediators Australia  
Industrial Bar Association
- 2010 to 2013 **Victorian Convener**  
Australian Lawyers for Human Rights

### **Committees**

- Member of the National Park Advisory Council (Victorian Government)  
2017-current.
- Co-President Auskick - South Melbourne District Sports Club (SMDSC).  
2017 - current

### **Publications**

- "The Dja Wurrung Native Title Settlement: A new approach to settling native title". Indigenous Law Bulletin, Vol. 8, (Nov/Dec 2013).
- "Frameworks to Settling Native Title" Indigenous Law Bulletin, Volume 7 (May/June 2009).



## SIGNIFICANT LITIGATION AND AGREEMENTS

### Litigation

- 2019 *KLC v. Williams and others WAD 178/2018*
- 2019 *Cape York United No. 1 Claim QUD 673/2014* on going
- 2014 *Northern Cape York Group #1 QUD157/2011* Native Title determination October 2014 (Cape York QLD)
- Kowanyama Native Title Part D Native Title determination October 2014 (Cape York QLD) Daphney on behalf of the Kowanyama People v State of Queensland 31/10/2014*
- Northern Cape York Group #2 QUD156/2011* Native Title determination July 2014 (Cape York QLD)
- 2013 *Dja Wurrung Peoples v. State of Victoria*. Federal Court numbers Vid6001/00, VID6006/98, VID6001/99, VID6003/99
- 2012 *Applicant v. Toyota Motor Corporation Australia C2012/6* + 45 other Matters (Toyota Redundancy Matters)
- 2012 *Wadi, Wamba, Barapa v. State of Victoria*. Federal Court number VID 6005/2000
- 2000 *Byron Bay Bundjalung People (Arakwal) v. State of New South Wales (Arakwal)*. Federal Court numbers NSD 6010/98, NSD 6088/98, NSD 6020/0
- 1997 *Tabulam Bundjalung v. State of New South Wales*. Federal Court numbers NSD 6032/98, NSD6071/98, NSD 6042/98
- 1996 *Baryulgil Bundjalung v. State of New South Wales*. Federal Court number NSD 6027/98
- 1994 *Wiradjuri Wellington v. State of New South Wales*. Federal Court number NSD6001/96. This was the first native title application under the *Native Title Act 1993 (Cth)*.

### Agreements

- 2017 Peninsula Developmental Road Indigenous (PDR) Land Use Agreement - Cape York, QLD. Significant infrastructure agreement between Traditional Owners and the State of QLD. The Agreement was the winner of the QLD Reconciliation Award.
- 2013 Dja Dja Wurrung Indigenous Land Use Agreement (ILUA) – Native Title – Central Victoria. (NTA, TOSA).
- 2010 Gaagal Wanggaan (South Beach) National Park – Warrell Creek, NSW Agreement (pt 4A NPWA).

- 2008 Biamanga and Gulaga – Narooma, NSW (pt 4A NPWA)
- 2007 Arakwal, Byron Bay, NSW. ILUA (No 2 and 3) NTA  
Worimi Conservation Lands – Stockton Bight, NSW 2006 (pt 4A NPWA)  
Ngiyampaa Wangaaypuwan, Mr Grenfell – Cobar, NSW (pt 4A NPWA)  
Arakwal, Byron Bay, NSW. ILUA (No1) NTA  
Traditional owners – Armidale Mining Co Agreement. Armidale, NSW. NTA
- 2000 Protocol for the Negotiation of a Native title Framework Agreement for Victoria
- 1998 Traditional owners – Adelong Mining NL – Tumut Brungle Area Agreement. NTA. This is the first ILUA in Australia
- 1995 Tabulam Bundjalung, Tabulam, NSW – Mining. Future Act Agreement *Native Title Act 1993 (Cth)*  
Wellington Town Common Agreement, Central Western NSW 1/1/1995. This settled the first native title claim under the NTA