

**ADAM MCLEAN
BARRISTER
RESUME**

Clerk - Foley's List
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Career Profile

A highly qualified barrister and manager with extensive experience in a wide range of legal disciplines and a proven track record in providing high quality and strategic legal advice to a range of clients.

A specialised mediator and facilitator able to mediate complex multi-party disputes.

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, treaty, 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 highly proficient 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 with a proven capacity to drive change and increase revenue and decrease costs.

Professional Experience

2000-current Barrister

Areas of practice

- Litigation, strategic and legal advice, and agreement making.
- Human rights, native title, treaty, land rights, environment law, criminal law, discrimination, industrial law, commercial law.
- Transformative facilitation and mediation.
- 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:

- 2019-2020 Advising Lake Tyers Aboriginal Land Trust and Framlingham Aboriginal Trust on the review of the *Aboriginal Lands Act 1970* (Vic).
- 2019 Significant mediation and facilitation programs including Wangan and Jagalingou native title authorisation meetings, Quandamooka People authorisation meeting, Gunaikurnai people native title meetings.
- 2015-present **General Counsel** – Cape York Land Council (CYLC), Cape York Partnerships
- 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)
- 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.
- Complex commercial agreements including joint venture agreements and priority procurement agreements, leases and licences.
- Framework agreements.
- Facilitated a number of highly controversial meetings of traditional owner groups.

Aboriginal Owned National Parks

- Legal advice and negotiation on behalf of Aboriginal Negotiation Panels and advice on reviews with respect to hand back and lease

back agreements - 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

2019 Management, Leadership and Communication

2019 Master Class Transformative Mediation

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

- 2010 to 2013 Industrial Bar Association
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** "Sovereignty, Land and Treaty" Ab-Original (tba 2020).

"Native title – a new wave of dispossession?" Ab-Original (tba 2020)

"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** 2020 *Cape York United No. 1 Claim QUD 673/2014* on going
- 2019 *KLC v. Williams and others WAD 178/2018*
- 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