

CARLA KLEASE

Year of call - 2004

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PERSONAL ASSISTANT DETAILS:

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AREAS OF PRACTICE

Native Title
Public and Administrative Law
Constitutional Law
Discrimination
Defamation

EDUCATION

Bachelor of Arts, University of Queensland 1998
Bachelor of Laws (Hons), University of Queensland 2000

CAREER HISTORY

Carla was admitted as a barrister and commenced practice at the private bar in Queensland in August 2004. Carla has had a varied civil law practice throughout her career, initially practicing in commercial, insolvency and defamation law and coming to predominantly practice in the area of native title and public and administrative law in the last decade. Carla acts for various stakeholders in native title determination applications and native title compensation applications, providing complex advice, drafting pleadings and Court documents, appearing at trials, on-country preservation of evidence hearings, interlocutory applications, case management hearings and mediations and providing advice and representation in negotiations towards consent determinations.

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Carla is presently engaged in several significant native title compensation proceedings which involve questions of the operation of s 51(xxxi) of the *Constitution* and the assessment of compensation in the context of mining.

Prior to her commencement at the bar, Carla was a solicitor at Blake Dawson Waldron (now Ashurst). During her time at Ashurst, Carla was also seconded part-time to LawRight (formerly Queensland Public Interest Law Clearing House) in 2002-2003 to establish and run the Homeless Persons' Legal Clinic. Carla was Associate to the Hon. R.G. Atkinson of the Supreme Court of Queensland in 2000.

SIGNIFICANT CASES

State of Queensland v Congo (2015) 256 CLR 239

Led by Stephen Lloyd SC, Carla appeared for the Commonwealth of Australia in this matter, first before the Full Court of the Federal Court and then in the High Court of Australia, in which the question of whether military orders made under the *National Security (General) Regulations 1939* (Cth) extinguished native title rights and interests was considered.

Link to case: [Queensland v Congo \[2015\] HCA 17 \(13 May 2015\) \(austlii.edu.au\)](https://www.austlii.edu.au/au/other/dfat/special/queensland_v_congo.html)

Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No 1) [2021] FCA 1463

Led by Nitra Kidson QC, Carla appeared for the State of Queensland resisting an application for joinder to a native title determination application on the eve of a consent determination. Carla also acts generally in this proceeding on behalf of the State of Queensland, appearing at case management hearings, mediations and interlocutory applications both alone and led.

Link to case: [Ross on behalf of the Cape York United #1 Claim Group v State of Queensland \(No 1\) \[2021\] FCA 1463 \(fedcourt.gov.au\)](https://www.fedcourt.gov.au/judgments/2021/1463)

Helmbright v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs (No 2) [2021] FCA 647

Led by Stephen Keim SC, Carla appeared for the applicant in this test case on the content of the tripartite test in *Mabo v Queensland (No 2)* (1992) 175 CLR 1 as to who constitutes an Aboriginal Australian for the purposes of s 51(xix) of the *Constitution*.

Link to case: [Helmbright v Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs \(No 2\) \[2021\] FCA 647 \(15 June 2021\) \(austlii.edu.au\)](https://www.austlii.edu.au/au/other/dfat/special/helmbright_v_minister_for_immigration_citizenship_migrant_services_and_multicultural_affairs.html)

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Saunders on behalf of the Bigambul People v State of Queensland (No 2) [2021] FCA 190

Led by Nitra Kidson QC, Carla appeared for the State of Queensland in an application to strike out a native title compensation application under s 84C of the *Native Title Act; 1993* (Cth) for failure to identify compensable acts.

Link to case: [Saunders on behalf of the Bigambul People v State of Queensland \(No 2\) \[2021\] FCA 190 \(11 March 2021\) \(austlii.edu.au\)](https://www.austlii.edu.au/au/other/auflii/courts/fca/saunders.html)

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