

NITRA KIDSON KC

Year of call - 2006
Year of silk - 2019

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AREAS OF PRACTICE

Administrative law
Constitutional law
Native title
Human rights
Information law
Regulatory proceedings

EDUCATION

Bachelor of Laws (Hons), UQ
Bachelor of Arts, UQ

CAREER HISTORY

Nitra commenced at the private bar in 2006 and took silk in 2019. She practises almost exclusively in public law, predominantly in the areas of administrative law, constitutional law, native title, human rights, information law and regulatory proceedings. She has appeared for and against all tiers of government and a range of statutory agencies. Nitra appears regularly in federal courts, including at the appellate level, as well as in the Supreme Court.

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SELECTED SIGNIFICANT CASES

HIGH COURT

***Commonwealth of Australia v Yunupingu* (2025) 421 ALR 604; [2025] HCA 6**

Nitra appeared for the Commonwealth of Australia with the Commonwealth Solicitor-General, Dr Stephen Donaghue KC, Stephen Lloyd SC, and junior counsel Carla Klease. Whether power conferred on the Commonwealth Parliament by s 122 of Constitution to make laws for government of territory extends to making a law with respect to acquisition of property otherwise than on just terms within the meaning of s 51(xxxi) of Constitution. Whether the extinguishment of native title by or under a law of Commonwealth constituted an acquisition of property within the meaning of s 51(xxxi).

Link to case: <https://classic.austlii.edu.au/au/cases/cth/HCA/2025/6.html>

***Northern Land Council v Quall* (2020) 271 CLR 394; [2020] HCA 33**

Nitra appeared for the Northern Territory with junior counsel Lachlan Peattie. Statutory construction as to whether the certification function of a representative body under the *Native Title Act 1993* (Cth) was capable of delegation and whether power to delegate available.

Link to case: <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2020/33.html>

***Western Australia v Manado* (2020) 270 CLR 81; [2020] HCA 9**

Nitra appeared for the Commonwealth of Australia, led by the Commonwealth Solicitor-General, Dr Stephen Donaghue QC. Statutory construction of provision preserving public access to beaches where native title determined to exist.

Link to case: <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2020/9.html>

***Northern Territory v Griffiths* (2019) 269 CLR 1; [2019] HCA 7**

Nitra appeared for the Commonwealth of Australia, led by Stephen Lloyd SC. First litigated determination of compensation under the *Native Title Act 1993* (Cth) for the historical extinguishment of indigenous rights in land.

Link to case: <http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2019/7.html>

***Kline v Official Secretary to the Governor-General* (2013) 249 CLR 645; [2013] HCA 52**

Nitra appeared for the Official Secretary, led by the Commonwealth Solicitor-General, Justin Gleeson SC. Exclusion of documents from disclosure under *Freedom of information Act 1982* (Cth) unless related to 'matters of an administrative nature'.

Link to case: <http://classic.austlii.edu.au/au/cases/cth/HCA/2013/52.html>

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FEDERAL COURT

***Director, Professional Services Review v Yoong* [2025] FCAFC 95**

Nitra appeared for the Director of Professional Services Review with junior counsel Alex Psaltis. Statutory construction of power under s 89B of the *Health Insurance Act 1973* (Cth) to issue a notice to a practitioner requiring the production of documents relevant to a review.

Link to case: <https://classic.austlii.edu.au/au/cases/cth/FCAFC/2025/95.html>

***Moradi v Comcare* [2024] FCA 812**

Nitra appeared for Comcare with junior counsel Kate Slack. Application of “reasonable administrative action” exception in s 5A of the *Safety, Rehabilitation and Compensation Act 1988* (Cth).

Link to case: <https://classic.austlii.edu.au/au/cases/cth/FCA/2024/812.html>

***Optus Fixed Infrastructure Pty Ltd v Telecommunications Industry Ombudsman* [2023] FCA 928**

Nitra appeared for the State of Queensland with junior counsel Dr Gerard Sammon. Statutory construction of power to install a facility that is ancillary to a low-impact facility under clause 6 of Schedule 3 of the *Telecommunications Act 1997* (Cth).

Link to case: <https://classic.austlii.edu.au/au/cases/cth/FCA/2023/928.html>

***Yunupingu v Commonwealth of Australia* (2023) 298 FCR 160; [2023] FCAFC 75**

Nitra appeared for the Commonwealth of Australia with Stephen Lloyd SC, and junior counsel Carla Klease. Whether power conferred on the Commonwealth Parliament by s 122 of Constitution to make laws for government of territory extends to making a law with respect to acquisition of property otherwise than on just terms within the meaning of s 51(xxxi) of Constitution. Whether the extinguishment of native title by or under a law of Commonwealth constituted an acquisition of property within the meaning of s 51(xxxi)

Link to case: <https://classic.austlii.edu.au/au/cases/cth/FCAFC/2023/75.html>

***Soryal v Director of Professional Services* [2023] FCA 326**

Nitra appeared for the Director of Professional Services Review with junior counsel Kate Slack. Statutory construction of Director’s power to make a referral to the Professional Services Review Committee under s 81(2) of *Health Insurance Act 1973* (Cth).

Link to case: <https://classic.austlii.edu.au/au/cases/cth/FCA/2023/326.html>

***Nona on behalf of the Badulgal, Mualgal and Kaurareg Peoples (Warral and Ului) v State of Queensland (No 5)* [2023] FCA 135**

Nitra appeared for the State of Queensland with junior counsel Marc McKechnie. Contested application for native title over uninhabited islands in the Torres Strait.

Link to case: <https://classic.austlii.edu.au/au/cases/cth/FCA/2023/135.html>

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***Melville on behalf of the Pitta Pitta People v State of Queensland* [2022] FCA 387**

Nitra appeared for the State of Queensland with junior counsel Carla Klease. Application to strike out native title compensation claim.

Link to case: <https://classic.austlii.edu.au/au/cases/cth/FCA/2022/387.html>

SUPREME COURT OF QUEENSLAND

***Johnston v Carroll* [2024] QSC 2**

Nitra appeared for the Attorney-General of the State of Queensland with junior counsel Felicity Nagorcka and Kent Blore. Application of *Human Rights Act 2019* (Qld) to vaccination requirements in employer directions with respect to Covid-19.

Link to case: <https://classic.austlii.edu.au/au/cases/qld/QSC/2024/2.html>

***Austin BMI Pty Ltd v Deputy Premier* (2023) 16 QR 372; [2023] QSC 95**

Nitra appeared for the Attorney-General of the State of Queensland with junior counsel Kent Blore. Application of *Human Rights Act 2019* (Qld) to decision to call-in development application under the *Planning Act 2016* (Qld).

Link to case: <https://classic.austlii.edu.au/au/cases/qld/QSC/2023/95.html>

***SQH v Scott* (2022) 10 QR 215; [2022] QSC 16**

Nitra appeared for the Crime and Corruption Commission with junior counsel Renee Berry. Application of *Human Rights Act 2019* (Qld) to reasonable excuse not to answer a question at a Commission hearing.

Link to case: <http://classic.austlii.edu.au/au/cases/qld/QSC/2022/16.html>

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