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Nyland, Margaret

Occupation Commissioner, Judge, Lawyer

Summary

The Hon. Margaret Nyland AM was the second woman to be appointed to the Supreme Court of South Australia. One of only three women admitted to practice in the State in 1965, Nyland obtained articles and in time became the senior partner in her own law firm. She later enjoyed a successful career, where her area of specialisation was family law. Subsequent appointments included Inaugural Chairperson of the Commonwealth Social Security Appeals Tribunal (SA) (1975 to 1987); Chair of the South Australian Sex Discrimination Board (1985); Deputy Presiding Officer of the Equal Opportunity Tribunal (1986); District Court Judge (1987) and Supreme Court Judge (1993). After retiring from the Supreme Court in 2012, in 2014 Nyland was appointed Commissioner to the Child Protection Systems Royal Commission (SA). Nyland was appointed a Member of the Order of Australia for services to the judiciary, human rights and the equal status of women, and to the community through a range of cultural organisations.

Margaret Nyland was interviewed by Kim Rubenstein for the Trailblazing Women and the Law Oral History Project. For details of the interview see the National Library of Australia CATALOGUE RECORD.

Details

The Hon. Margaret Nyland was born into a family which was keenly aware of the power of education to change society. Nyland's father was a self-educated and prominent trade unionist who was awarded an Order of Australia for his services to trade unionism. From early on, Nyland benefited from being surrounded by strong, high achieving women, beginning with her teachers at Gilles Street Primary School, and later, at Adelaide Girls' High School [McNamara].

Nyland undertook a Bachelor of Laws degree at the University of Adelaide; she was one of just 15 female undergraduates in the Law School at the time [Attorney-General]. At university her Family Law lecturer was Roma Mitchell (later Dame); in time the two would became close friends and Mitchell a mentor to Nyland. Upon graduating in 1965, Nyland was one of only three women admitted to practice that year, the other two being Jenny Litchfield and Jay Sandow. In the same year Roma Mitchell's place in Australian legal history was cemented and an inspiring example for aspiring female lawyers set, when she became the first woman to be appointed to a Supreme Court bench in Australia [Attorney-General].

Nyland was articled to Pam Cleland; theirs would be a long partnership and close friendship at a time when it was difficult for women to undertake a legal career [Attorney-General; Maguire]. In 1966 Cleland established her own practice and Nyland joined her as a solicitor and later became a partner in that firm. When Cleland left the firm to join the separate bar, Nyland took over the practice and conducted the successful family law practice of Nyland, Haines & Co. From 1975 to 1987 Nyland was Chairperson of the Commonwealth Social Security Appeals Tribunal in South Australia and in from 1985 to 1987 was Chair of the South Australian Sex Discrimination Board and subsequently Deputy Presiding Officer of the Equal Opportunity Tribunal (SA).

In 1987 Nyland was the second woman to the District Court of South Australia. An appointment to the Supreme Court of South Australia followed in 1993. Nyland became the second woman after Roma Mitchell to serve on that court.

In her judicial capacity she was Director of the Australian Association of Women Judges (1994 to 2001) and was Chair of the Law Foundation for 17 years. In the Supreme Court she participated in all aspects of the work of that Court but her particular expertise was in the criminal jurisdiction where she presided over many high profile trials, including that of Peter Liddy, a magistrate charged with historical sexual offences against children. In 2000 Nyland made history at the Supreme Court when she employed the first female tipstaff. She made history again in 2006 when, together with Justice Ann Vanstone and Justice Robyn Layton, she presided over the first all-female bench of the State's Court of Criminal Appeal.

In 2005 she was appointed a Member of the Order of Australia for her service to the judiciary, human rights and the equal status of women, and to the community through a range of cultural organisations. Coincidentally, Nyland was honoured with this recognition 25 years after her father, Jack Nyland, received his Order of Australia for services to trade unionism [Maguire].

In 2011 Nyland chaired the Electoral Districts Boundaries Commission (SA) before retiring from the Supreme Court of South

Australia in November 2012, thus bringing to an end 19 years on the Supreme Court bench. On her retirement the Attorney-General remarked on Nyland's 'sensitivity and skill' when dealing with 'the convoluted human problems to be solved in people's lives' and also observed how Nyland's listening skills, diplomacy and humour combined to give her "a superb ability to very effectively manage people in [the courtroom] environment" [Attorney-General].

In 2009 she was awarded the Woman of Achievement Award for services to the legal profession. In 2013 she was made an Alumni Fellow of the University of Adelaide in recognition of her contribution to the John Bray Law Alumni. Nyland was appointed to the South Australian Women's Honour Roll in 2013; like her mentor, Dame Roma, Nyland was chosen for her efforts to support and recognise the contribution of women in diverse roles in the community, as parents, carers and community members. She was also recognised for demonstrating great compassion and respect in her engagement with women in the community.

Perennially encouraging of the progress being made by women in the legal profession, Nyland was critical of the state of judicial equality in South Australia in 2013. Observing a decrease in the number of female Supreme Court judges since her retirement, she remarked: "It's all very well to sit back and say the situation will change in time. The problem is this – there have been more women coming out of law school for years… a lot of time seems to have passed without a great deal of change" [Akerman].

In 2014 Nyland, together with Professor John Williams, was instrumental in establishing the Dean of Law's Fund at the Adelaide Law School to assist students who may be in crisis as a result of straitened financial circumstances. Nyland continues to be the Chair of that Fund.

On education, Nyland has noted that: "learning is not a static experience but a lifelong commitment" [Adelaide].

Nyland's retirement from the judiciary was short-lived, as in August 2014 she was appointed to lead the Child Protection Systems Royal Commission. Her report to reform the child protection system in South Australia was delivered on 5 August 2016. [Novak].

Nyland's service to the legal community includes her former role as Chair of the Commonwealth Social Security Appeals Tribunal; Chair of the South Australian Sex Discrimination Board; Deputy Presiding Officer of the Equal Opportunity Tribunal; Chairperson of the Law Foundation of SA Inc; Former President of the Australian Association of Women Judges; current Fellow, Australian Academy of Law; and Individual Member, JusticeNet. She is past President of the John Bray Law Chapter and is current Patron of the Women Lawyers' Association South Australia and Roma Mitchell Community Legal Centre.

Nyland's interests beyond the law can be seen in her roles as former Chairperson and Inaugural Life Member of the Australian Dance Theatre [Taylor]. She was on the Board of the Art Gallery of South Australia for four years; she is a current Advisory Member to the Kennedy Arts Foundation and is the Patron of the Adelaide High School Old Scholars' Association. A long time follower of the South Adelaide Football Club, Nyland is a patron of the Panthers Club and was a Member of the SANFL Boundaries Commission in 2013 She was also a long-serving Council Member and subsequent Fellow of St Ann's College and in 2016 became a Governor of the St Ann's College Foundation.

Well-known for her trailblazing example, and as mentor to young female lawyers, Nyland at her retirement sitting commented while Dame Roma Mitchell (as the first woman appointed to the Supreme Court of South Australia) undoubtedly did it better, she – that is Margaret Nyland – with 19 years of service, was able to say that she at least did it longer.[Fewster].

Published resources

Site Exhibition
Australian Women Lawyers as Active Citizens, Trailblazing Women Lawyers Project Team, 2016, http://www.womenaustralia.info/lawyers

Archival resources

National Library of Australia, Oral History and Folklore Collection
Margaret Nyland interviewed by Kim Rubenstein in the Trailblazing women and the law oral history project

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Digital resources



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