

The Australian Women's Register

Entry type: Person
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Wilson, Margaret

(1953 -)

Born 1 January, 1953, Brisbane Queensland Australia

Occupation Barrister, Commissioner, Judge, Lawyer, Queen's Counsel, Solicitor

Summary

The Hon. Margaret Wilson QC was a barrister and judge of the Supreme Court of Queensland.

She is known for her contribution to mental health law, as the first judge of the Mental Health Court and as the Commissioner who inquired into the closure of the Barrett Adolescent Centre, as well as for the part she played in procedural and substantive law reform in Queensland through her membership of the Rules Committee and the Queensland Law Reform Commission.

Details

Margaret Wilson was born in Brisbane, Queensland, in 1953. Her parents were not lawyers – her father was a civil engineer, and her mother, a former nurse, was active in community organisations. Like many parents, they valued hard work and education, and with their encouragement, Margaret excelled in her studies. In 1970, she completed her schooling at Clayfield College as school captain and dux and won an open scholarship to study at the University of Queensland.

Initially enrolled in a Bachelor of Arts, Margaret majored in Japanese language and culture. In her third year of study, she undertook two subjects in the TC Beirne School of Law, beginning her lifelong interest in the law. She graduated with a Bachelor of Arts in 1973, and a Bachelor of Laws with Honours in 1976, winning a number of academic prizes.

Margaret entered the legal profession as an articled clerk at Feez Ruthning & Co (now Allens) and was admitted to the bar in 1979. She developed a broad practice, advising and appearing in all areas of civil litigation, including administrative law. In 1992, she was appointed Queen's Counsel. Outside the demands of her practice, she was a member of the Bar Association of Queensland's Committee (now Council), a Legal Aid Commissioner and board member, and a member of The Incorporated Council of Law Reporting for the State of Queensland.

In August 1998, Margaret was appointed a judge of the Trial Division of the Supreme Court of Queensland. It was a time of significant change in the composition of the court, and in the way civil and criminal cases were conducted. She was the fourth woman to join the Supreme Court.

In her role as a Trial Division judge, Margaret sat on a number of high-profile cases, including a civil jury trial about the sexual assault of a pupil at a boarding school in regional Queensland, and the State's first judge-alone murder trial. She was a Commercial List Judge from 2009 to 2011, and an Additional Judge of the Queensland Court of Appeal from 2011 to 2012.

Soon after her appointment to the bench, Margaret joined the Rules Committee where she served actively for 12 years. Comprised of representatives of all levels of Queensland courts, the Registry of the Supreme and District Courts and the Department of Justice, the Rules Committee finalised Queensland's Uniform Civil Procedure Rules 1999 – one set of rules that applied to all civil proceedings in the Magistrates, District and Supreme Courts, simplifying litigation for the benefit of all who came before the courts in their civil jurisdiction. It also formulated the Civil Proceedings Act 2011 (Qld), which updated the statutory infrastructure supporting the Supreme Court of Queensland in significant respects. It repealed and replaced an array of provisions, many dating from the 19th and early 20th centuries, about the judicature system and some aspects of substantive law, as well as provisions about the structure of the Court, its registry and its officers. Margaret was impressed by the shared commitment and co-operative approach of everyone on the Rules Committee, and she took pride in its quiet achievements under the leadership of Justice Glen Williams and then Justice John Muir.

In 2002, Margaret became the first judge of the Mental Health Court. That Court's primary function is to determine the sanity and

fitness for trial of persons charged with criminal offences. It was set up on the inquisitorial model, constituted by a Supreme Court Judge assisted by two experienced psychiatrists acting as assessors. The new Court benefited from the legacy left by its predecessor, the Mental Health Tribunal, which had been established in 1985. As the Court's first judge, Margaret performed a pivotal role in developing new procedures, consulting Health Department officers and medical experts, and presiding over the Court as it sat in Brisbane, Townsville and Cairns.

Margaret's interest in court architecture led to her serving on an advisory committee associated with the design of the new metropolitan courthouse for the Supreme and District Courts of Queensland. It facilitated liaison between the judges, the architects, the builders and relevant Government departments involved in what was a significant public works project. The new building was opened as the Queen Elizabeth II Courts of Law in August 2012.

Margaret retired from the Supreme Court of Queensland in April 2014. Early retirement was a big decision for her, but she felt comfortable it was the right one. As she was leaving the court, she reflected on the previous fifteen and a half years as a period of enormous privilege and continuous challenge in her life. But she had always believed that there is a time to come and a time to go in all things, not least in public office – that renewal is important for any institution and for individuals. She vowed not to lose touch with her friends in the legal world, or to forsake her interest in the law.

Later that year Margaret was appointed as a Justice of the Solomon Islands Court of Appeal and as a part-time member of the Queensland Law Reform Commission. She embraced both of these new roles with enthusiasm and industry.

Margaret savoured the opportunity to participate in reshaping Queensland law in response to a number of contemporary challenges. The Queensland Law Reform Commission made recommendations for reform in a number of important areas over the six years she was a commissioner. These included civil surveillance and the protection of privacy, termination of pregnancy, expunging historical gay sex convictions and extension of mandatory reporting of suspected child abuse to the early childhood education and care sector. She holds Justice David Jackson (the Commission chair), her fellow commissioners and the small team of exceptionally talented legal and administrative officers in the secretariat in the highest regard. Despite frequent and intense pressure to meet tight deadlines, they never deviated from the pursuit of legally sound and practical solutions to what were often complex issues. The Commission's reports were produced by true collaboration in a harmonious and mutually respectful environment.

In September 2015, Margaret was commissioned to inquire into the closure of the Barrett Adolescent Centre, a facility for the treatment and rehabilitation of young people with severe and complex mental illnesses. The Queensland Government implemented all of the recommendations in her report, including the establishment of a new facility, Jacaranda Place on the campus of Prince Charles Hospital.

She is presently a PhD candidate at the University of Melbourne Law School, exploring sub judice contempt of court and the internet.

In 2019 the Women Lawyers Association of Queensland Inc conferred its Woman in Excellence award on Margaret. She is a fellow of the Australian Academy of Law. Her career has been, and continues to be, one of diligent service in and to the law, marked with many professional successes. She has always set high standards for herself. As a judge she strove to approach every case with an open mind and to ensure all parties were given a fair hearing and the opportunity to respond to the case against them. She worked hard to produce summings-up and reasons for judgment that were thoughtful and expressed in clear and simple terms.

Margaret is a very private person, embarrassed by focus on her personal qualities. She is independently minded and resilient, but quick to acknowledge the contributions of others and to ensure that they feel valued personally and professionally. She has often said how much she enjoyed working with the young people who were her associates – and they have consistently commented on her generosity of spirit, patience, kindness, and ability to relieve tension in the courtroom (for her associates, counsel and court staff alike). Her unique blend of personal and professional qualities is part of the rich tapestry of Australian women lawyers.

Published resources

Book Section

Margaret Wilson, Keenan, Sarah and Batch, Margaret Mary, 2005

Site Exhibition

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

Author Details

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