



Supreme Court
of New South Wales

Judges' Chambers
Court of Appeal
Law Courts Building, Queens Square
184 Phillip St, Sydney 2000
GPO Box 3, Sydney 2001
DX 829, Sydney

Vale the Honourable William Gummow AC 1942 - 2026

The Honourable William Montague Charles Gummow AC was one of Australia's most distinguished lawyers, particularly in the fields of equity and constitutional law.

He was made a partner of the law firm Allen Allen and Hemsley in his early 20s, within a few short years after completing articles. After nine years at the firm he was called to the Bar in 1976, with a practice in equity, trade practices, intellectual property and federal constitutional law. He took silk in 1986 and was appointed to the Federal Court shortly thereafter. He was appointed to the High Court in 1995 where he served until 2012 when he turned 70. He subsequently lectured as a fractional Professor of Law at the University of Sydney and sat on the Hong Kong Court of Final Appeal as an overseas Non-Permanent Judge. He wrote swiftly and easily, and despite his sudden death, he left behind no reserved judgments.

Save for when he was a member of the High Court of Australia, he taught law students at the University of Sydney, a period exceeding six decades. He commenced teaching intellectual property, but for the most part the subject was equity. For many years he taught with his co-authors Roddy Meagher and John Leane. The three published *Equity: Doctrines and Remedies* in 1975, universally known as "MGL", a path-breaking work which did much to influence a revitalisation and distinctively Australian approach to equity. There followed two further editions, four editions of *Jacobs' Law of Trusts in Australia*, four editions of a student case book which is used to this day by practitioners and judges, and a stream of articles in law journals, many of which have recently been collected in a volume recently published: *Method, History and Doctrine: Select Papers of William Gummow*.

In addition to co-authoring practitioner and student works on equity and trusts, he wrote *Change and Continuity: Statute, Equity and Federalism*, which were the Clarendon Law Lectures given at the University of Oxford in 1999. Those three topics were central to his conception of Australian law. He was closely associated with many of the themes developed by the High Court in recent years, including the abiding importance of statute and the working out of the consequences of Chapter III of the Constitution and the significance of federal jurisdiction. He continued to publish in a broad range of areas, including widely cited papers on the nature of legal reasoning in the Australian Law Journal and the Australian Bar Review in 2023 and 2024. Fittingly, in 2019, together with the Hon Susan Crennan AC, he co-edited a new edition of the works of Sir Owen Dixon *Jesting Pilate and Other Papers and Addresses*.

Almost 40 years ago, on a subject close to his heart ("Legal Education"), he said that he wrote "not from the single perspective of solicitor, barrister, or teacher, but as one who has

been all of these". His more recent publications also drew upon the second half of his life as an outstanding first instance and appellate judge. He was fond of emphasising that an important aspect of teaching undergraduates was to ensure that legal principle was properly understood when they became judges around three decades later.

In recent years he endured health crises with equanimity and without complaint, including one which led to the amputation of a leg below the knee. He suffered a heart attack on 16 September 2026 from which he could not be revived. A fortnight ago he participated in an all day conference of invited academics and practitioners on the law of equity at the University of Sydney, before attending the inaugural Sugerman Lecture that evening in the Banco court. He and his walking frame ascended and descended that court's forbidding stairs with the tenacity of a man who savoured every moment of a long and productive life. He, like his fellow student the late Mary Gaudron, was a very fine Australian. He was a man of courage and intellectual integrity who left an immense legacy, not only in his jurisprudence and writings, but in the legal minds he shaped and sharpened through decades of teaching.

Mark Leeming
Judge of Appeal,
Supreme Court of New South Wales
17 September 2026