HENRY COOPER

Bachelor of Arts (First Class Honours in English) – University of Sydney
Juris Doctor – University of Sydney

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Admitted to the legal profession
2017

Admitted as a barrister in NSW
2020

Also entitled to practise in
Australian jurisdictions (Commonwealth, State and Territory)

Henry has a broad commercial and public law practice, regularly appearing in courts and tribunals at all levels across Australia.

In commercial cases, he has appeared in a wide range of matters including company disputes, class actions, regulatory proceedings, litigation involving equity and trusts, and other complex and high-value commercial disputes. His public law practice spans judicial review, constitutional litigation and commissions of inquiry, both for and against government parties. He is also regularly briefed in aviation and shipping matters, and has been recognised as a leading transport law junior counsel in Doyle's Guide in 2025 and 2026.

Henry graduated from the University of Sydney with a Bachelor of Arts (Hons 1) in English, and a Juris Doctor – graduating first in his class of 152. Prior to coming to the Bar in May 2020, Henry was Tipstaff to the Hon Justice Leeming of the NSW Court of Appeal. Since 2019 he has lectured at the University of NSW in Equity and Trusts, and he has published academic pieces on topics in equity, public law and torts.

PROFESSIONAL EXPERIENCE

2019 to present: Sessional Lecturer in Equity & Trusts, UNSW

2018 to 2021: Reporter, Federal Law Reports

2018 to 2019: Tipstaff to the Hon Justice Leeming, NSW Court of Appeal

2017 to 2020: Solicitor, Norton White

2015 to 2016: Summer Clerk, King & Wood Mallesons (now Mallesons)

PROFESSIONAL MEMBERSHIPS

2026 to present: New South Wales Bar Association Professional Conduct Committee

Liability limited by a scheme approved under Professional Standards Legislation.

PUBLICATIONS

'**Delimiting Equity's Jurisdiction to Relieve Against Forfeitures**' (2020) 49 Australian Bar Review 357

'**The Minimum Actionable Physical Damage in Negligence**' (2019) 25 Torts Law Journal 128

'**Uncertainty of trust property within a pool of shares**' (2018) 45 Australian Bar Review 312 (case note)

'"**For Your Private Consideration": Secret Documents and the Public Meaning of the Constitution**' on AUSPUBLAW (12 February 2018) <https://auspublaw.org/2018/02/for- your-private-consideration/>

'**Liability for Assisting Torts**' (2017) 41(2) Melbourne University Law Review 571

PRINCIPAL AREAS OF PRACTICE

COMMERCIAL LAW

Administrative Law
Admiralty and Maritime
Appellate
Arbitration
Aviation and Transportation Law
Banking and Financial Services
Bankruptcy and Insolvency
Conflict of Laws
Contracts
Insurance and Reinsurance

COMMON LAW

Appellate
Class Actions
Personal Injury

EQUITY

Appellate
Trusts

PUBLIC AND ADMINISTRATIVE LAW

Appellate
Constitutional Law
Judicial review and administrative law
Public law

SELECTED CASES

Appellate

Austral v Northern Territory [2026] HCA 20: exemplary damages (appeared for Northern Territory, led by David McLure SC and Trevor Moses, instructed by Solicitor for the Northern Territory)

RC v The Salvation Army (Western Australia) Property Trust [2024] HCA 43: abuse of process, permanent stay of proceedings (appeared for Salvation Army, led by Dominic Villa SC and Rachel Young SC, instructed by Mills Oakley)

Mineralogy Pty Ltd v Western Australia [2021] HCA 30: constitutional law, State legislative power (appeared for Mineralogy, led by David Jackson QC and Matt Karam)

Commonwealth of Australia v Kupang Pty Ltd NSWCA, ongoing: appeal from judgment finding Commissioner of Taxation liable for knowing receipt of funds obtained by taxpayer in breach of fiduciary duty (appearing for the Commonwealth, led by Luke Livingston SC and Justin Hogan-Doran SC, instructed by AGS)

Karas v LK Law Pty Ltd FCAFC, ongoing: equity, fiduciary duties, dispute between law practice partners, equitable remedies, contracts (led by Alan Sullivan KC, Peter Dunning KC and Greg O'Mahoney, instructed by Piper Alderman)

Encore Aviation Pty Ltd v O'Driscoll Aviation Pty Ltd NSWCA, ongoing: aviation, torts, appeal from finding of negligence causing helicopter crash (led by Tom Brennan SC, instructed by Norton White)

Dnata Airport Services Pty Ltd v Polar Air Cargo Worldwide, Inc [2026] NSWCA 105: international arbitration, interpretation of arbitration clause (appeared for Dnata, led by Tom Brennan SC, instructed by Norton White)

Sino Iron Pty Ltd v Mineralogy Pty Ltd [2026] WASCA 71: contract, good faith, mining, State Agreements, 7-day appeal (appeared for Mineralogy, led by Peter Dunning KC as part of a five-counsel team, instructed by Robinson Nielsen)

Di Giannantonio by his tutor Tucker v Di Giannantonio [2026] NSWCA 69: enforcement of deed, proprietary estoppel, unconscionable conduct, legal incapacity, procedural fairness (led by Luke Livingston SC, instructed by De Pasquale Lawyers)

Aviation Utilities Pty Ltd v Kahu NZ Ltd [2026] WASCA 46: contract, termination, damages, aviation, (led by David McLure SC, instructed by Norton White)

Karpik v Carnival plc (The Ruby Princess) [2025] FCAFC 96: consumer law, negligence, damages (appeared for Carnival, led by James Hutton SC and Jesse Kennedy, instructed by Clyde & Co)

Litigation Fund WCX Pty Ltd v Mitchell (No 3) [2025] NSWCA 67: security for costs, appeal from single judge of appeal (led by Jonathon Redwood SC, instructed by Ironbridge Legal)

Berejiklian v Independent Commission Against Corruption [2024] NSWCA 177: administrative law, judicial review of ICAC findings (appeared for the Hon Gladys Berejiklian, led by Bret Walker SC, instructed by Johnson Winter Slattery)

Danny-Glen Raiz v Director of Professional Services Review & Anor [2024] FCAFC 91 and [2024] FCAFC 110 (and special leave refused in [2024] HCASL 290): administrative law, whether PSR Committee lawfully constituted, availability of prerogative relief (appeared for medical professional, led by Tom Brennan SC, instructed by Collins & Collins)

Western Freight Management Pty Ltd v Toll Transport Pty Ltd [2024] NSWCA 124: contract, transport (appeared for Toll Transport, led by David Stanton, instructed by Norton White)

Mineralogy Pty Ltd v CITIC Ltd [2024] WASCA 168: practice and procedure, discovery (appeared for Mineralogy, led by Peter Dunning KC, instructed by Robinson Nielsen)

Babet v Electoral Commissioner [2023] FCAFC 164: constitutional law, counting and formality of referendum votes, standing, scope of "matter" (appeared for Senator Ralph Babet, led by Luke Livingston SC and Philip Santucci)

Kikuyu v Minister for Health NSW [2023] FCAFC 36: constitutional law, inconsistency between Commonwealth and State laws (appeared for NSW Minster of Health, led by Thomas Prince, instructed by Crown Solicitor's Office (NSW))

Airlines of Tasmania Pty Ltd v Jones TASFC (2832/2023), settled before hearing: aviation, appeal on separate question of law concerning interpretation of carriers' liability legislation (for Airlines of Tasmania, led by Tom Brennan SC, instructed by Norton White)

Carnival plc v Karpik (The Ruby Princess) [2022] FCAFC 149: formation of contract, agency, consumer law, enforcement of exclusive jurisdiction clause, enforceability of class action waiver (appeared for Carnival, led by David McLure SC and Thomas Prince, instructed by Clyde & Co)

BVZ21 v Commonwealth of Australia [2022] FCAFC 122: migration, separate questions of law (appeared for Commonwealth, led by Andrew Yuile, instructed by AGS)

Haider v Gudelj [2021] ACTCA 9: equity, equitable contribution between guarantors, equitable defences (led by Matt Karam, instructed by McInnes Wilson)

Gwe v Commissioner of the Australian Federal Police [2020] NSWCA 350: proceeds of crime, costs (appeared for Commissioner of AFP, led by Arthur Moses SC and Luke Livingston, instructed by AFP)

Orr v Cobar Management Pty Ltd [2020] NSWCCA 220: questions of law submitted to Court of Criminal Appeal, meaning of "questions of law", criminal procedure (led by Arthur Moses SC and Jaye Alderson)

General commercial, private law

Greensill Bank AG v Insurance Australia Ltd FCA, ongoing: proceedings arising from collapse of Greensill group giving rise to multibillion-dollar claims (appearing for Insurance Australia Ltd, led by Steven Finch SC, David Thomas SC and David Hume SC, instructed by Allens)

Sino Iron Project Litigation WASC, final judgments reserved, plus several interlocutory ([2025] WASC 224, 216, 202, 168, 154, 131, 130; [2024] WASC 486, 413, 341, 325, 322, 242; [2023] WASC 417, 238, 221, 188): two complex commercial trials heard back-to-back over three months in 2025 concerning disputes relating to Sino Iron Project in Pilbara region (appeared for Mineralogy, led by Peter Dunning KC as part of a six-counsel team, instructed by Robinson Nielsen)

Our Jim & Felicja Superfund Pty Ltd v Lindenfels Pte Ltd [2026] FCA 307: corporations, oppression, contract, fiduciary duties, 20-day hearing (appeared for Lindenfels, led by David McLure SC and Thomas Prince SC, instructed by Johnson Winter Slattery)

Confidential Arbitration under the *Commercial Arbitration Act 2012* (WA) award reserved: equity and trusts, fiduciary duties, deeds, 60 hearing days (led by Steven Finch SC, Peter Brereton SC and Christian Bova SC, instructed by Gilbert + Tobin)

In the matter of Trustees of the Christian Brothers NSWSC, ongoing: corporations, proposed scheme of arrangement and moratorium on litigation, insolvency (appearing for Trustees of the Christian Brothers, led by Stewart Maiden KC and David Sulan SC, instructed by Gilbert + Tobin)

MAN25 v Commonwealth of Australia FCA, ongoing: class action, claims against Dept of Defence for sex discrimination (appearing for Commonwealth, led by Kate Eastman SC, Mark Costello KC and Prue Bindon, instructed by Gilbert + Tobin)

Semple v Commonwealth of Australia NSWSC, ongoing (and [2026] NSWSC 98): historical PFAS contamination, negligence, nuisance (appearing for Commonwealth, led by Catherine Gleeson SC, instructed by Mallesons)

Haswell v Commonwealth of Australia FCA (NSD431/2020), settled shortly before hearing: class action, historical PFAS contamination, negligence, nuisance (appeared for Commonwealth, led by Sophie Callan SC and Edward Muston SC as part of a six-counsel team, instructed by King & Wood Mallesons)

Mitchell v Transport for NSW NSWSC, ongoing (and, among others, [2024] NSWSC 1165 and 1593): class action, whether compulsory acquisition of land lawful, dispute between funder and

lead plaintiffs, rights and duties of lead plaintiffs (appearing for plaintiffs, led by Jonathon Redwood SC, instructed by Quinn Emanuel Urquhart & Sullivan and Ironbridge Legal)

Gratory Pty Ltd v Pastrello NSWSC, ongoing: equity, fiduciary duties, duty to account, accessorial liability (appearing for Gratory, led by Ben Katekar SC, instructed by Addisons)

Le v Nguyen NSWSC, ongoing: equity, partnerships, fiduciary duties, limitation defences (appearing for plaintiffs, led by Alan Shearer SC, instructed by Lionheart Lawyers)

Cerisewin Pty Ltd v Chief Commissioner of State Revenue NSWSC, judgment reserved: taxation, payroll tax, employment agency provisions (appearing for taxpayer, led by David McLure SC and Michael Bersten, instructed by HWLE)

Santarpia v Santarpia NSWSC, ongoing: equity, proprietary estoppel, equitable defences (appearing for defendant, unled, instructed by De Pasquale Lawyers)

Beteasy Pty Ltd v William Hill Organisation Ltd NSWSC, ongoing: contract, misleading or deceptive conduct (appearing for William Hill, led by Jonathon Redwood SC, instructed by Ironbridge Legal)

Commissioner of AFP v George Alex & Ors QSC, ongoing: proceeds of crime, payroll tax fraud (appearing for Commissioner of AFP, led by Greg O'Mahoney and Daniel Habashy, instructed by AFP)

Absolute Tiling Solutions Pty Ltd v Certain Underwriters at Lloyds [2024] NSWSC 364: insurance, professional indemnity insurance, prior known circumstance exclusion, failure to disclose, cost of rectification works (appeared for Lloyd's Underwriters, led by Chris Peadon, instructed by Colin Biggers & Paisley)

Filby v TEG Live Pty Ltd [2024] HCASL 184: application for special leave to appeal to High Court, alleged breach of confidence, whether information in commercial negotiations had necessary quality of confidence (appeared for TEG, led by Catherine Gleeson SC, instructed by Corrs Chambers Westgarth)

Kang v Yao [2024] NSWSC 361: practice and procedure, amendment, vacation of hearing (led by Elisa Holmes SC, instructed by Bartley Cohen Law)

Roussos v Amaca Pty Ltd [2024] NTSC 20: tort, negligence, dust diseases, damages (appeared for Amaca, led by Geoffrey Watson SC, instructed by Mills Oakley)

Wright Prospecting Pty Ltd v Hancock Prospecting Pty Ltd [No 21] [2023] WASC 169: *Harman* obligation, use of documents in curial proceedings obtained in arbitration (appeared for Mrs Gina Rinehart (as interested third party), led by Alan Shearer, instructed by Gilbert + Tobin)

Sino Iron Pty Ltd v Mineralogy Pty Ltd [2023] WASC 56: 33-day trial, contract, implied terms, equitable remedies, estoppel (appeared for Mineralogy, led by Peter Dunning KC as part of a five-counsel team, instructed by Robinson Nielsen)

Amaca Pty Ltd v Mortimer [2023] NSWSC 117: tort, cross-vesting (appeared for Amaca, unled, instructed by Mills Oakley)

Australian Securities and Investment Commission v A&M Group Pty Ltd [2022] FCA 1534: corporations, misleading or deceptive conduct in relation to financial services, undue harassment and coercion, civil penalties (appeared for ASIC, led by Perry Herzfeld SC, instructed by ASIC)

QNI Metals Ltd v Queensland Nickel Pty Ltd (in liq) [2022] HCATrans 33: special leave hearing, interaction of express trust and agency principles, collapse of Queensland Nickel (appeared for QNI Metals, led by David Jackson QC and Peter Dunning QC, instructed by Jonathan Shaw)

Panthera Finance Pty Ltd v Noble NSWLC (2021/32001) (judgment unpublished): contract, assignment of debt, indemnities (appeared for Panthera Finance, unled, instructed by Burns Lawyers)

In the matter of Lorebray Pty Ltd [2021] NSWSC 1533: corporations, meeting of members, appointment of directors (unled, instructed by Allsop Glover)

Dovgan & Dovgan [2021] FamCA 306: family law, property, valuation of real property, 5-day trial (led by Noel Hutley SC)

Wang v Cai [2020] NSWSC 1414: conflicts of interest, solicitors (led by Luke Livingston, instructed by Sunfield Chambers)

Commissioner of the AFP v Tjongosutiono [2020] NSWSC 1815: proceeds of crime, exclusion order, cuckoo smurfing (appearing for Commissioner of AFP, led by Arthur Moses SC and Luke Livingston, instructed by AFP)

Public law and inquiries

GMS24, GVP24 and MBX25 v Commonwealth of Australia FCA, ongoing: migration, judicial review, legal unreasonableness and procedural fairness in relation to non-statutory executive powers (appearing for applicants, led by Min Guo (and previously Craig Lenehan SC), instructed by Allens)

MBX25 v Commonwealth of Australia [2026] FedCFamC2G 98 and [2025] FedCFamC2G 1869: migration, judicial review, urgent interlocutory injunction restraining removal pending outcome of judicial review, jurisdiction, "associated jurisdiction" (appeared for applicant, unled, instructed by Allens)

Almahadi v Royal Embassy of Saudi Arabia Cultural Mission [2026] FWCFB 50: appeal from finding of foreign state immunity for employment claims by cultural mission employees (appeared for Saudi Arabia, unled, instructed by Norton Rose Fulbright)

Royal Embassy of Saudi Arabia Cultural Mission v Saleh & Ors [2026] HCADisp 86: application for special leave to appeal regarding foreign state immunity for claims brought by embassy employees (appeared for Saudi Arabia, led by Tom Brennan SC, instructed by Norton Rose Fulbright)

Rose v Secretary of the Dept of Health and Aged Care & Ors [2025] FCA 339 (and ongoing): class action, misfeasance in public office, claims against public health officers regarding Covid vaccine approvals (appearing for Secretary of Department and other respondents, led by Kate Eastman SC and Hilbert Chiu SC, instructed by AGS)

Gregory Hawkins v NSW Independent Casino Commission NSWSC, ongoing: administrative law, judicial review and appeal of decision to cancel casino special employee licence of former director and manager of The Star (appearing for Mr Hawkins, led by Albert Dinelli KC, instructed by Hall & Wilcox)

Professional Services Review Committee decision reserved following hearing: representing doctor in investigation of alleged inappropriate practice as defined in *Health Insurance Act 1973* (unled, instructed by HWLE)

ICAC – Operation Keppel Report published June 2023: investigation into allegations of breach of public trust by former Premier (appeared for the Hon Gladys Berejiklian, led by Bret Walker SC and Sophie Callan SC, instructed by Johnson Winter Slattery)

Warren v Chief Executive Officer, Services Australia [2023] FCA 1337 (also [2022] AATA 4191): freedom of information, Robodebt, Cabinet confidentiality (appeared for FOI applicant, unled, instructed by Maurice Blackburn)

Knowles v Commonwealth of Australia & Ors [2022] FCA 741: validity of Covid public health measures, alleged invalidity on grounds under Constitution and Commonwealth law (appeared for State of New South Wales, led by Thomas Prince, instructed by Crown Solicitor's Office)

QDWQ & Minister for Immigration [2022] AATA 226: migration, visa cancellation, character test (appeared for Minister, unled, instructed by AGS)

Ng v Pharmacy Council of New South Wales [2022] NSWCATOD 49: health practitioner regulation, conditions imposed on registration of pharmacists, error of law, apprehended bias, procedural fairness (appeared for pharmacists, led by Kate Richardson SC, instructed by McLachlan Thorpe)

Ratugolea v Minister for Home Affairs [2021] HCATrans 176 (single Justice determination of application for constitutional writ): migration, Ch III of the Constitution, habeas corpus (appeared for Minister, led by Patrick Knowles, instructed by AGS)

Aviation and shipping

Bunge Operations Pty Ltd v African Jay Shipping Co Ltd FCA, ongoing: shipping, allision between vessel and loading infrastructure (appearing for Bunge, led by Catherine Gleeson SC, instructed by Thomsons)

Hudson & Ors v Coulson Aviation (Australia) Pty Ltd & Anor NSWSC, ongoing: multiple proceedings against operator of aircraft and Rural Fire Service arising from crash in course of aerial firefighting (appearing for Coulson Aviation, led by Greg O'Mahoney, instructed by Norton White)

Subcom, LLC v Nartay Marine Inc FCA, ongoing: shipping, claim against owners of vessel for break in undersea cable allegedly caused by anchor, liability and damages in dispute (appearing for Nartay Marine, led by Martin Scott KC, instructed by HFW Australia)

O'Driscoll v Encore Aviation Pty Ltd [2025] NSWSC 1536: tort, negligence, claim arising from helicopter crash causing personal injury and loss of use of aircraft, alleged negligence by maintenance engineers, 12-day trial (appeared for Encore Aviation, led by Tom Brennan SC and David Stanton, instructed by Norton White)

DHI22 & Ors v Qatar Airways Group Q.C.S.C & Ors [2025] HCADisp 256: application for special leave to appeal to High Court, claim for damages for invasive strip-searches in course of international carriage by air, foreign state immunity (appeared for Qatar Civil Aviation Authority, led by Justin Gleeson SC, Tom Brennan SC and Celia Winnett, instructed by Gilbert + Tobin)

Polar Air Cargo Worldwide, Inc v Dnata Airport Services Pty Ltd [2025] NSWSC 1500: claim against airport ground handlers, interpretation of dispute resolution clause in standard IATA ground handling agreement (appeared for Dnata, unled, instructed by Norton White)

In the matter of Airclub Pty Ltd atf the Airclub Discretionary Trust [2024] NSWSC 1679: acting for airline setting aside statutory demand issued by contracting counterparty (appeared for Airclub, unled, instructed by Norton White)

Wiseway Logistics Pty Ltd v Secretary, Department of Home Affairs [2024] FCA 427: acting for cargo freight-forwarder in judicial review proceedings regarding decision not to renew designation as registered air cargo agent (appeared for Wiseway, led by Tom Brennan SC, instructed by Norton White)

Jet Midwest, Inc v Regional Express Holdings Ltd (Administrators Appointed) [2024] NSWSC 1343: acting for US-based air operator seeking leave to proceed with claim against Rex Airlines for

breach of aircraft sale agreement claim (appeared for Jet Midwest, led by Patrick Knowles SC, instructed by Norton White)

Viterra Australia Pty Ltf v One Ship Ltd FCA (NSD664/2024), stayed for arbitration: shipping, claim by consignee of cargo against vessel owners for damages arising from delay caused by detection of illegal contraband on board vessel (appeared for Viterra, led by Catherine Gleeson SC, instructed by Thomson Geer)

Coronial Inquest – Lockhart River Plane Crash No. 2 Coroners Court of Qld, findings delivered Aug 2023: inquest into deaths of five occupants of light aircraft in crash in Lockhart River, Northern Queensland (appeared for operator of aircraft (Airconnect Australia), unled, instructed by Norton White)

Karpik v Carnival plc (The Ruby Princess) [2023] FCA 1280 (also [2024] FCA 57): proceedings seeking damages for outbreak of Covid on board the *Ruby Princess*, 16-day hearing (appeared for Carnival, led by David McLure SC as part of a six-counsel team, instructed by Clyde & Co)

Ausgenex Pty Ltd v Vision International Forwarding Pty Ltd & Ors FCA (QUD196/2022), settled: claim for mis-delivery of cargo during international air transport, application of *Montreal Convention* (appeared for Vision International, unled, instructed by Mills Oakley)

Seaco Global Australia Ltd v Toll Transport Pty Ltd t/as Toll Shipping VSC (2021/02604), settled: contractual dispute over lease agreement for shipping containers (appeared for Toll, unled, instructed by Norton White)