

*This & the following 4 pages
are the appellant's grounds of
appeal for publication pursuant to paragraph 27 of practice note no. 5C CA1*

Form 105 (version 7)
UCPR 51.16, 51.18, 51.20

*30 September 2025
solicitor for appellant*

NOTICE OF APPEAL

COURT DETAILS

Court	Supreme Court of New South Wales, Court of Appeal
Registry	Sydney
Case number	2025/00273034

TITLE OF PROCEEDINGS

Appellant	All Civil Solutions Group Pty Ltd ACN 610 060 458
Respondent	Woonona-Bulli RSL Memorial Club Ltd ACN 001 059 374

PROCEEDINGS IN THE COURT BELOW

Title below	<i>All Civil Solutions Group Pty Ltd v Woonona-Bulli RSL Memorial Club Ltd [2025] NSWSC 688</i>
Court below	Supreme Court of New South Wales
Case number below	2025/00213642
Date of hearing	24 June 2025
Material date	30 June 2025
Decision of	Peden J

FILING DETAILS

Filed for	All Civil Solutions Group Pty Ltd , Appellant
Tiled in relation to	Whole decision below
Legal representative	Thomas Howard, CCS Legal Pty Ltd
Contact name and telephone	Oliver Huang, (02) 9906 5255
Contact email	Tom.howard@ccslegal.com.au Oliver.huang@ccslegal.com.au

HEARING DETAILS

This notice of appeal is listed for directions at

TYPE OF APPEAL

Building disputes

DETAILS OF APPEAL

- 1 This appeal is brought under s 101(2)(e) of the *Supreme Court Act 1970* (NSW).
- 2 This notice of appeal is not filed pursuant to leave to appeal.
- 3 The appellant has filed and served a notice of intention to appeal, which was served on the prospective respondent on 17 July 2025.
- 4 The appellant appeals from the whole of the decision below.

APPEAL GROUNDS

- 1 The primary judge erred in finding and declaring that on the proper construction of s 11(4) of the *Contractors Debts Act 1997* (NSW), the respondent is entitled to raise matters referred to in paragraph 26 and Part 2 of its Technology and Construction List Response filed on 13 June 2024, in defence of the Applicant's claim (**the Defences**).
- 2 The primary judge should have held that s 25(4) of the *Building and Construction Industry Security of Payment Act 1999* (NSW) prohibited the respondent from raising the Defences.

ORDERS SOUGHT

- 1 Appeal allowed;
- 2 Set aside orders 1 and 2 of the Supreme Court of New South Wales dated 30 June 2025, and in their place, order:
 - a. judgment be entered for the applicant against the respondent in the sum of \$1,200,670.24;
 - b. interest;
 - c. the respondent to pay the applicant's costs below and of the application; and
 - d. if interest cannot be agreed between the parties within 14 days:
 - i. the Applicant to provide written submissions not exceeding 3 pages and materials in support within 7 days thereafter and

- ii. the Respondent is to provide written submissions not exceeding 3 pages and materials in support within 7 days thereafter for determination of the question of interest on the papers.

3 Costs.

UCPR 51.22 CERTIFICATE

The right of appeal is not limited by a monetary sum.

SIGNATURE OF LEGAL REPRESENTATIVE

I certify under clause 4 of Schedule 2 to the Legal Profession Uniform Law Application Act 2014 that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the claim for damages in these proceedings has reasonable prospects of success.

I have advised the appellant that court fees will be payable during these proceedings. These fees may include a hearing allocation fee.

Signature



Capacity

Solicitor on record

Date of signature

25 July 2025

Note:

1. This notice must be served personally unless non-personal service under UCPR 10.18 is permitted.
2. A copy of this notice must be filed in the court below in accordance with UCPR 51.42.

NOTICE TO RESPONDENT

If your solicitor, barrister or you do not attend the hearing, the court may give judgment or make orders against you in your absence. The judgment may be for the orders sought in the notice of appeal and for the appellant's costs of bringing these proceedings.

Before you can appear before the court, you must file at the court an appearance in the approved form.

HOW TO RESPOND

Please read this notice of appeal very carefully. If you have any trouble understanding it or require assistance on how to respond to the notice of appeal you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the notice of appeal from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The court registry for limited procedural information.

Court forms are available on the UCPR website at www.ucprforms.nsw.gov.au or at any NSW court registry.

REGISTRY ADDRESS

Street address	Supreme Court of New South Wales, Court of Appeal Law Courts Building Queen's Square Level 5, 184 Phillip Street Sydney NSW 2000
Postal address	GPO Box 3 Sydney NSW 2001
Telephone	1300 679 272

PARTY DETAILS

A list of parties must be filed and served with this notice of appeal.

FURTHER DETAILS ABOUT APPELLANT**Applicant**

Name	All Civil Solutions Group Pty Ltd		
Address	PO Box 1161		
	Strawberry Hills	NSW	2012

Legal representative for applicant

Name	Thomas Howard		
Practising certificate number	54905		
Firm	CCS Legal Pty Ltd		
Contact solicitor	Oliver Huang		
Address	Suite 12.03		
	50	Berry	Street
	North Sydney	NSW	2060
Telephone	(02) 9906 5255		
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DETAILS ABOUT RESPONDENT**Prospective respondent**

Name	Woonona-Bulli RSL Memorial Club Ltd		
Address			
	455	Princes	Highway
	Woonona	NSW	2517