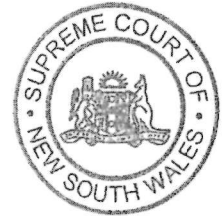


FILED

27 AUG 2025



## NOTICE OF APPEAL

### COURT DETAILS

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

### TITLE OF PROCEEDINGS

Appellant "Student A" by his tutor, Peter Johnston  
First respondent Council of Newington College  
Number of respondents (if more than two) 26  
Refer to Party Details at rear for full list of parties

### PROCEEDINGS IN THE COURT BELOW

Title below Student A v Council of Newington College  
Court below Supreme Court of NSW  
Case number below 2024/473840  
Date of hearing 15 May 2025  
Material date 28 May 2025, 11 June 2025  
Decision of Justice Parker

### FILING DETAILS

Filed for "Student A" by his tutor, Peter Johnston, plaintiff  
Filed in relation to Decision on Separate Question and whole decision below  
Legal representative Snezana Vojvodic, Brown Wright Stein Lawyers  
Legal representative reference JFP/SJV/068150  
Contact name and telephone Snezana Vojvodic, Brown Wright Stein Lawyers  
(02) 9394 1074  
Contact email sjv@bwslawyers.com.au; litigation@bwslawyers.com.au

### HEARING DETAILS

This notice of appeal is listed for directions at

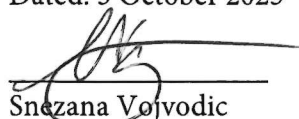
### TYPE OF APPEAL

Trust/trustees

I, Snezana Vojvodic, solicitor on the record for the Appellant, hereby certify this and the following 11 pages are a true and correct copy of the Grounds of Appeal for publication on the Supreme Court of New South Wales website pursuant to paragraph 27 of Practice Note No. SC CA 1.

L\316450649.1

Dated: 3 October 2025

  
Snezana Vojvodic

7745167.1

### DETAILS OF APPEAL

- 1 This appeal is brought under section 101(1) 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 respondents on 25 June 2025.
- 4 The appellant appeals from the whole of the decision below, being *Student A v Council of Newington College* [2025] NSWSC 534 ("**the Decision**").

### APPEAL GROUNDS

- 1 The trial judge erred in finding that the word "youth" as contained in the Deed of Indenture dated 23 October 1873 ("**the 1873 Deed**") was used in a gender-neutral sense (Decision at [168]).
- 2 The trial judge ought to have found that the word "youth" as contained in the 1873 Deed refers to boys and young men.
- 3 The trial judge erred in finding that a collection of historical newspaper articles was inadmissible as evidence of the meaning of the word "youth" in 1873 (Decision at [113]-[117]).
- 4 The trial judge erred in finding that the "ancient documents rule" cannot apply in the absence of a finding that the relevant Deed is ambiguous or obscure (Decision at [162]).

### ORDERS SOUGHT

- 1 To the extent necessary, leave to appeal from the orders made on 28 May 2025.
- 2 Appeal allowed.
- 3 Set aside orders 1 and 2 made on 28 May 2025
- 4 Set aside Orders 1 and 2 made on 11 June 2025.
- 5 Declaration that the use of:
  - a. the land referred to in Schedules 1 and 2 of the *Newington College Council Act 1922* (NSW) ("**the NCC Act**"); and
  - b. any property, whether real or personal, which vested in the Council for Newington College pursuant to section 6 of the NCC Act,

for co-education would be a breach of trust constituted by section 13 of the NCC Act.

6 Costs.

7 Such further or other order as the Court thinks fit.

#### UCPR 51.22 CERTIFICATE

The right of appeal is not limited by a monetary sum

#### SIGNATURE OF LEGAL REPRESENTATIVE

This notice of appeal does not require a certificate under clause 4 of Schedule 2 to the *Legal Profession Uniform Law Application Act 2014*.

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

Signature

Capacity

Date of signature



Solicitor on the record, *AT HOL LIMITED SOLICITOR,*

*22/8/2025.*

*JUSTIN PENNY.*

## **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](http://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](http://www.ucprforms.nsw.gov.au) or at any NSW court registry.

## **REGISTRY ADDRESS**

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

## **PARTY DETAILS**

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

### **Appellant**

"Student A" by his tutor, Peter Johnston,  
appellant

### **Prospective Respondents**

Council of Newington College, first  
prospective respondent

Tony McDonald, second prospective  
respondent

Chris Collings, third prospective respondent

Andrew Walsh, fourth prospective  
respondent

Tony Bosman, fifth prospective respondent

Reverend Punam Bent, sixth prospective  
respondent

Reverend Ian Diamond, seventh prospective  
respondent

Tony King, eighth prospective respondent

Rhys Kelly, ninth prospective respondent

David Torrible, tenth prospective respondent

Nicholas Heaton, eleventh prospective  
respondent

Justine Richardson, twelfth prospective  
respondent

Reverend Radhika Sukumar-White,  
thirteenth prospective respondent

Melissa Abu-Gazaleh, fourteenth prospective  
respondent

Tina Morrell, fifteenth prospective respondent

Denver Don Paul, sixteenth prospective  
respondent

Peter Crawley, seventeenth prospective  
respondent

Reverend 'Oto Faiva, eighteenth prospective  
respondent

Andrew T. Harris, nineteenth prospective  
respondent

Rachel Stock, twentieth prospective  
respondent

Mario Peter Isaias, twenty-first prospective  
respondent

Justin Papps, twenty-second prospective  
respondent

Sharon Tindall-Ford, twenty-third prospective respondent

Reverend Jason Kioa, twenty-fourth prospective respondent

Justin Bosilkovski, twenty-fifth prospective respondent

Attorney-General of New South Wales, twenty-sixth prospective respondent

**FURTHER DETAILS ABOUT APPELLANT****Appellant**

Name "Student A" by his tutor, Peter Johnston

Address

[REDACTED]

[REDACTED]

**Legal representative for appellant**

Name Snezana Vojvodic

Practising certificate number 27581

Firm Brown Wright Stein Lawyers

Address Level 6, 179 Elizabeth Street  
Sydney NSW 2000

Telephone (02) 9394 1010

Email litigation@bwslawyers.com.au

Electronic service address litigation@bwslawyers.com.au

## **DETAILS ABOUT RESPONDENTS**

### **First prospective respondent**

Name Council of Newington College  
 Address c/- Claire Latham and Michael Hughes, Minter Ellison  
 Level 40, Governor Macquarie Tower, 1 Farrer Place  
 Sydney NSW 2000

### **Second prospective respondent**

Name Tony McDonald  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

### **Third prospective respondent**

Name Chris Collings  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

### **Fourth prospective respondent**

Name Andrew Walsh  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

### **Fifth prospective respondent**

Name Tony Bosman  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Sixth prospective respondent**

Name Reverend Punam Bent  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Seventh prospective respondent**

Name Reverend Ian Diamond  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Eight prospective respondent**

Name Tony King  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Nineth prospective respondent**

Name Rhys Kelly  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Tenth prospective respondent**

Name David Torrible  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Eleventh prospective respondent**

Name Nicholas Heaton  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Twelfth prospective respondent**

Name Justine Richardson  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Thirteenth prospective respondent**

Name Reverend Radhika Sukumar-White  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Fourteenth prospective respondent**

Name Melissa Abu-Gazaleh  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Fifteenth prospective respondent**

Name Tina Morrell  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Sixteenth prospective respondent**

Name Denver Don Paul  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Seventeenth prospective respondent**

Name Peter Crawley  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Eighteenth prospective respondent**

Name Reverend 'Oto Faiva  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Nineteenth prospective respondent**

Name Andrew T. Harris  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Twentieth prospective respondent**

Name Rachel Stock  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Twenty-first prospective respondent**

Name Mario Peter Isaias  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Twenty-second prospective respondent**

Name Justin Papps  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Twenty-third prospective respondent**

Name Sharon Tindall-Ford  
 Address c/- Jacques Jacobs  
 Wotton Kearney  
 Level 9/ 225 George Street  
 Sydney NSW 2000

**Twenty-fourth prospective respondent**

Name Reverend Jason Kioa  
Address c/- Jacques Jacobs  
Wotton Kearney  
Level 9/ 225 George Street  
Sydney NSW 2000

**Twenty-fifth prospective respondent**

Name Justin Bosilkovski  
Address c/- Jacques Jacobs  
Wotton Kearney  
Level 9/ 225 George Street  
Sydney NSW 2000

**Twenty-sixth prospective respondent**

Name Attorney-General of New South Wales  
Address c/- Crown Solicitor of New South Wales  
Level 4, 60-70 Elizabeth Street  
Sydney NSW 2000