

I, Zahra Panju, solicitor for the Appellant, hereby certify this and the following 3 pages are a true and correct copy of the Appellant's grounds of appeal for publication on the Supreme Court of New South Wales website pursuant to paragraph 27 of Practice Note SC CA 1.

Date 31 October 2025

FILED

26 JUN 2025



Zahra Panju

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

NOTICE OF APPEAL

COURT DETAILS

Court	Supreme Court of New South Wales, Court of Appeal
Registry	Sydney
Case number	2025/00150256

TITLE OF PROCEEDINGS

Applicant	Troy Townsend
Respondent	CPB Contractors Pty Limited ABN: 98 000 893 667

PROCEEDINGS IN THE COURT BELOW

Title below	Townsend v CPB Contractors Pty Limited (2025) NSWPICPD 27
Court below	Personal Injury Commission
Case number below	A1-W1923/24
Date[s] of hearing	13 May 2024
Material date	31 March 2025
Decision of	Acting Deputy President Geoffrey Parker SC

FILING DETAILS

Filed for	Troy Townsend, Appellant
Filed in relation to	Whole Decision below
Legal representative	Zahra Panju, Turner Freeman Lawyers
Legal representative reference	257085
Contact name and telephone	Zahra Panju, 02 4629 1800
Contact email	Par.fax@turnerfreeman.com.au

HEARING DETAILS

This notice of appeal is listed for directions at [time, date and place to be inserted by the registry unless otherwise known].

TYPE OF APPEAL

Common Law General List

DETAILS OF APPEAL

- 1 This appeal is brought under Workplace Injury Management and Workers Compensation Act 1998 (NSW) s 353
- 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 Respondent on 6 May 2025.

4 The appellant appeals from the whole of the decision below.

APPEAL GROUNDS

- 1 The Acting Deputy President erred in point of law when he failed to properly consider the submission that the Member had erred by only considering the Appellant's incapacity as at September 2023 and not the period relevant to the claim which was 3 November 2023 to 28 May 2024 and continuing.
- 2 The Acting Deputy President erred in point of law when he only considered the evidence about the Appellant's ability to work as at September 2023 and did not consider the evidence of restrictions occurring after that date and in particular in the period from 3 November 2023 to 28 May 2024 and continuing.
- 3 The Acting Deputy President erred in point of law when he said that the Appellant did not challenge the finding that the appellant had been engaged in full time ordinary duties when it had been expressly put by the Appellant that at no time had he resumed his pre-injury duties.
- 4 The Acting Deputy President erred in point of law when he failed to consider the submission squarely put that the Member had failed to consider relevant evidence being the Appellant's supplementary statement.

ORDERS SOUGHT

- 1 Appeal allowed
- 2 Matter remitted to President to be determined according to law.
- 3 Such further order as this honourable court deems necessary to give effect to the Plaintiff's claim
- 4 The Respondent pay the appellant's costs.

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 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[s] that court fees will be payable during these proceedings. These fees may include a hearing allocation fee.

Signature



Capacity

Armando John Gardiman, by his employed partner, Nathan Edwards Bonello

Date of signature

25 June 2025

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.