



Federal Court of Australia

District Registry: New South Wales

Division: Fair Work

No: NSD553/2019

NATIONAL TERTIARY EDUCATION INDUSTRY UNION and another named in the schedule
Applicant

UNIVERSITY OF SYDNEY and another named in the schedule
Respondent

ORDER

JUDGE: JUSTICE THAWLEY

DATE OF ORDER: 05 June 2023

WHERE MADE: Sydney

BY CONSENT, THE COURT ORDERS THAT:

1. Within 7 days of the date of this Order 1 becoming operative under Order 3 below, the first respondent must:
 - (a) reinstate the second applicant to the position of Senior Lecturer (Level C, step 6), School of Social and Political Sciences in the Faculty of Arts and Social Sciences on an ongoing 0.5 full-time equivalent basis;
 - (b) for the purpose of assessing the second applicant's continuity of service, treat the period between the date of dismissal and the date of reinstatement as time worked;
 - (c) pay to the second applicant, less any applicable taxation, the sum of \$332,562.57, representing past economic loss of wages, including COVID-19 payments and payments for annual leave loading;
 - (d) pay to the second applicant's nominated superannuation fund the sum of \$55,369.39, representing past economic loss of superannuation;
 - (e) pay to the second applicant the additional sum \$13,771.60, representing interest calculated at half of the Court's pre-judgment interest rate.
2. The second applicant has no accrued entitlement to any annual leave or long service leave that was paid out to him upon the termination of his employment on 11 February 2019.
3. The operation of Orders 1 and 2 are stayed pending the resolution of the appeals in matters NSD1129/2022 and NSD1130/2022, or until further order.



4. The applicants' claims for pecuniary penalties against the first and second respondents are dismissed.
5. The applicants' claims for general damages for hurt, humiliation and distress against the first and second respondents are dismissed.

Date that entry is stamped: 5 June 2023

Sia Lagos
Registrar



Schedule

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Second Applicant TIM ANDERSON

Second Respondent STEPHEN GARTON