

FEDERAL COURT OF AUSTRALIA

James Cook University v Ridd (No 2) [2020] FCAFC 132

Appeal from: *Ridd v James Cook University* [2019] FCCA 997
Ridd v James Cook University (No 2) [2019] FCCA 2489

File number: QUD 567 of 2019

Judges: **GRIFFITHS, RANGIAH AND SC DERRINGTON JJ**

Date of judgment: 31 July 2020

Cases cited: *James Cook University v Ridd* [2020] FCAFC 123

Date of hearing: Determined on the papers

Registry: Queensland

Division: Fair Work Division

National Practice Area: Employment & Industrial Relations

Category: No catchwords

Number of paragraphs: 3

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ORDERS

QUD 567 of 2019

BETWEEN: **JAMES COOK UNIVERSITY**
Appellant

AND: **PETER VINCENT RIDD**
Respondent

JUDGES: **GRIFFITHS, RANGIAH AND SC DERRINGTON JJ**

DATE OF ORDER: **31 JULY 2020**

THE COURT ORDERS THAT:

1. The appellant have leave to rely upon the further amended notice of appeal dated 28 July 2020.
2. Order 1 of the orders made by the Federal Circuit Court of Australia on 16 April 2019 be set aside.
3. There be no order as to costs.

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.

REASONS FOR JUDGMENT

GRIFFITHS AND SC DERRINGTON JJ:

- 1 In the joint reasons for judgment of Griffiths and SC Derrington JJ in *James Cook University v Ridd* [2020] FCAFC 123 at [187]-[188], attention was drawn to the fact that James Cook University did not challenge order 1 made by the Federal Circuit Court on 16 April 2019. The University was invited to serve a further amended notice of appeal if it wished to have that order also set aside and the parties were given an opportunity to file brief outlines of submissions in respect of that matter if they so wished.
- 2 In the events that have occurred, the University has filed a further amended notice of appeal which seeks to set aside that order. Professor Ridd indicated that he did not oppose the further amended notice of appeal and did not propose to file any submissions in respect of it. He indicated that, although he did not oppose the additional order sought by the University, he did not give his consent “out of an abundance of caution not to prejudice [his] rights in respect of any application for special leave to the High Court of Australia”. We consider that, in these circumstances, an additional order should be made in the following terms:
 1. The appellant have leave to rely upon the further amended notice of appeal dated 28 July 2020.
 2. Order 1 of the orders made by the Federal Circuit Court of Australia on 16 April 2019 be set aside.
 3. There be no order as to costs.

I certify that the preceding two (2) numbered paragraphs are a true copy of the Reasons for Judgment herein of the Honourable Justices Griffiths and SC Derrington.

Associate:

Dated: 31 July 2020

REASONS FOR JUDGMENT

RANGIAH J:

- 3 In view of the reasons for judgment of Griffiths and SC Derrington JJ in *James Cook University v Ridd* [2020] FCAFC 123, I agree that it is appropriate to make the further orders proposed by their Honours.

I certify that the preceding one (1) numbered paragraph is a true copy of the Reasons for Judgment herein of the Honourable Justice Rangiah.

Associate:

Dated: 31 July 2020