

HIGH COURT OF SOLOMON ISLANDS

RUSSELL ISLAND PLANTATION LIMITED

Plaintiff

S.I. NATIONAL UNION OF WORKER

1st Defendant

WILLIAM TAKASI AND OTHERS

2nd Defendant

**At Honiara: 6 October 2004
Transcript and Orders.**

George Suri for Applicant

**No appearance of 1st respond
called –
No appearance of second respondents
all called**

Amended originating summons filed 16 September 2004

Relies on affidavit in summons

Ms. Bird appeared – 6 July 2004

Crystal Lawyers changed office
Mr. Suri tenders letter of 22 September 2004
Exhibit "1"

(Closure of Crystal Lawyers office) advised court pigeon hole – documents met Ms. Bird at High Court Registry – discussed case – she asked me "would I be ready"
Documents put in pigeon hole on 22 September 2004.

Original summons served – she responded by appearing for respondents.
See affid of service of Philip in August.

Orders

I'm satisfied that the originating proceed was properly served for that Ms. Bird of Crystal Lawyers appeared in response on the 6 July 2004 when preliminary argument was heard and I made orders that day.

By allowing Ms. Bird to appear on the respondents behalf (representatives of the Union were in court) and on the workers behalf, Ms. Bird impliedly accepted her duty to the Court to file a notice of appearance in accordance with the rules in due course. Notwithstanding her apparent breach of duty, I propose to allow this summons to proceed today since I am satisfied that notice of the hearing has been given Ms. Bird & her duty is to the Court. In the circumstances I dispense with strict compliance with the Rules to enable the summons to be heard.

Suri

Reads affid of John Binana filed 22 June 2004.
Reads affid of service of Philip Kaukui Boe filed 5 July 2004
Kaukui Boe of 10 August 2004 – (affidavits on Crystal Lawyers)
affid of John Edgar Hugh Whiteside filed 9 August 2004
(See para 16 – wj 14)
Reads affid of Teresio Tabea
 filed 10 August 2004
 affid of Robert Taukuna
 filed 10 August 2004
 (refers to Legal Adviser)
 affid of Wilson Henry Ramo
 filed 10 October 2004
 (still on strike)
Seeks to proceed with submission
16 week of the strike
The Trade Dispute Panel

Findings.

I accept the matters which Mr. Suri raises in his submission as relevant in this application. I am also satisfied that his "essential evidence" in para D2.2 effectively set out the chronology of the panels hearings. I also rely on the material in the affidavits read, particular the material pointed out by Mr. Suri in para D4 of his submissions.

I accept these facts.

Consequently by virtue of the argument he raises in para D5 I accept that the TD Panel notice (of 4 June) Trade Dispute Referral was from effective 9 June 2004.

Consequently this means that continuing strike action is illegal.

There is no doubt the respondents actions in continuing this strike in the face of the Panels notice is done knowingly when I read the material Mr. Suri points to in his para. D6.

Orders.

It is appropriate therefore to answer the question in his clients summons in the affirmative and I make orders in terms of para. (a) to (c) inclusive of the summons. I also order the respondents pay the applicants costs.