

TRADE DISPUTES PANEL, SOLOMON ISLANDS

Under the Unfair Dismissal Act 1982

UD/204/89

Between:

CHARLES KARAORI

Applicant

and:

ATTORNEY GENERAL

Respondent

(For MINISTRY OF HEALTH AND MEDICAL SERVICES)

Hearing at Honiara on 13 November 1990 before:

H Macleman Chairman

F Mahlon Member

H Creighton Member

No appearance by the applicant.

P Afeau, Attorney General's Chambers, for the respondent.

F I N D I N G S

On 20 December 1989 Mr P Watts, Public Solicitor's Office, lodged on behalf of Mr Karaori a complaint that the Ministry of Health and Medical Services had unfairly dismissed him on 12 July 1989.

On 19 February 1990 the respondent lodged notice of appearance and supporting papers.

On 21 August 1990 the Panel gave notice of the full hearing to take place on 15 November. About 8.45 a.m. that day, the applicant telephoned the Chairman to say that his solicitor was engaged in another court, and requested an adjournment. The Chairman advised the applicant to attend at 9 a.m. for the respondent to have an opportunity to make submissions and the question to be decided by the Panel. At 9.30 a.m. Mr Watts telephoned the Panel Office to the effect that he had passed the file to Mr Muria, Public Solicitor, who would be attending at the Panel later in the morning. He did not know whether Mr Muria would be taking the case or asking for an adjournment. Mr Muria was in another court at the time.

About 9.50 a.m. the Panel heard from Mr Afeau. He argued that the Government had a strong, straightforward case; there was no adequate explanation for the failure to appear; and the complaint should be dismissed.

Mr Afeau also said that the applicant, who happened to be his relative, had confided to him that he was not keen on going on with the case but his adviser had pressed him to do so. That, however, is a matter between the applicant and his solicitor, and we disregard it in coming to our decision.

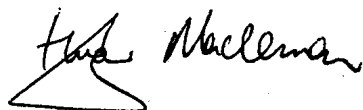
We are entitled to look at the apparent strength of the respondent's case as a factor. On paper, at least, there appears to be strong evidence that Karaori was never dismissed but simply decided to leave his job.

It is correct that there is no acceptable explanation for the failure to appear, and in the circumstances we decided to exercise our discretion by dismissing the complaint. Having come to that conclusion, we noticed that it should not have been registered in the first place, being time-barred under s. 6(3) of the Act.
Complaint dismissed.

There is a right of appeal, on a question of law only, within fourteen days.

Issued on 15 November 1990.

On behalf of the Panel,



(Hugh Macleman)

CHAIRMAN/TRADE DISPUTES PANEL