

TRADE DISPUTES PANEL, SOLOMON ISLANDS

Under the Unfair Dismissal Act 1982

UD/15/89

Between:

ROBERT PATUA

Applicant

and:

SOLOMON ISLANDS COLLEGE OF HIGHER EDUCATION

Respondent

Hearing at Honiara on 4 October 1990.

H Macleman Chairman
F Mahlon Member
F Koraimae Member

For the applicant: T Kagovai, Solomon Islands National Union of Workers.

For the respondent: G Palua, Personnel Officer.

F I N D I N G S

Solomon Islands College of Higher Education employed Mr Robert Patua as a Warden from 1 January 1985 to 12 November 1988, when he was dismissed for what was described in the notice of appearance as "infamous conduct likely to bring the College into disrepute".

The College relied on two incidents to justify the dismissal:-

- (1) conversion on 13 November 1987 of \$20 received by him on behalf of the College from a student, and associated forgery of a receipt form;
- (2) "abduction" of two female students on 7 December 1987.

The College produced a large quantity of records and statements which showed that both allegations had been investigated very carefully, and that the applicant had enjoyed rights of hearing and of appeal.


The applicant gave evidence. He said he had deducted the \$20 from \$90 paid to him and kept it as it was due to be returned to the student within a few days. We found that unconvincing, as on his version there would have been no need to accept the cash in the first place. More serious was the incident of 7 December 1987, when the applicant was alleged to have driven the two students out of Honiara eastwards against their will, to their distress, resulting in

one of them flagging down a passing police Land Rover. According to Mr Patua this was an innocent expedition in which the girls agreed to participate, one of them wishing to see her boyfriend, who was also his brother. However on his own account he had drunk 6 cans of Fosters before asking the girls to get into his car from their hostel, and he agreed, without being able to explain, that one of them was crying and flagged down the police. We do not need to rehearse all the details of the written evidence and the record of the investigation, although we do note that one of the statements obtained by the College authorities was by the applicant's brother denying any connection with his activities. The applicant occupied a position of great trust and either of items of misconduct, but especially the second, justified his dismissal. We are satisfied both that the respondent dismissed the applicant for substantial reasons such as to justify dismissing an employee in his position and that they acted reasonably in treating the reasons as sufficient.

We dismiss the complaint, with no order for expenses. There is a right of appeal within 14 days on a question of law only.

Issued to parties on 8 October 1990.

On behalf of the Panel


(Hugh Macleman)

CHAIRMAN/TRADE DISPUTES PANEL