

On the other hand there was no evidence that the applicant had anything but an unblemished record in the past, he caused no damage and drove only a minimal distance at the express request of the authorised driver.

The Panel members agree that his conduct merited a warning, but not dismissal.

Omelanga earned around \$120 per month. He worked for Levers for only about 6 months. He has not been in formal employment since. He incurred boat fares in travelling to Honiara for the hearing. A considerable time has gone by since the dismissal, due to various difficulties faced by the Panel. We can take only a broad view of compensation in this case and, in all the circumstances, we assess the amount of \$350 as fair and reasonable.

Under s. 12(3) of the Unfair Dismissal Act 1982 and section 11 of the Trade Disputes Act 1981 the Panel has power to order parties to a complaint to contribute towards the expenses of the Panel. Such orders of contribution have increased little over the years, only in a few lengthy cases exceeding the \$75 - 100 range. A check on Government's current expenditure on maintaining the Panel reveals figures well in excess of \$400 per case. We have decided, therefore, that in an "average" case, where the financial circumstances of the party allow and there are no exceptional considerations, the amount of contribution fixed should not usually be less than \$200, which is the figure we fix in this case.

AWARD

The respondent unfairly dismissed the applicant and is to pay him compensation of \$350, payable immediately and recoverable as a debt under s. 10 of the Unfair Dismissal Act 1982.

EXPENSES

The fixes a contribution of \$200 towards its expenses to be paid by the respondent to the Ministry of Commerce and Primary Industries within 14 days of this date.

APPEAL

- (1) There is a right of appeal to the High Court within 14 days on a question of law only: Unfair Dismissal Act 1982, s. 12; Trade Disputes Act 1981, s. 13; Trade Disputes Panel Rules 1981, r. 11; High Court (Civil Procedure) Rules 1964, O. 30 r. 3.
- (2) Any party aggrieved by the amount of compensation awarded may within one month of the date of the award appeal to the High Court; Unfair Dismissal Act 1982, s. 7(3).

Issued to parties on 4th October 1990.

On behalf of the Panel

Hugh Macleman

(Hugh Macleman)

CHAIRMAN/TRADE DISPUTES PANEL