

IN THE HIGH COURT OF KIRIBATI ]  
CIVIL JURISDICTION ]  
HELD AT BETIO ]  
REPUBLIC OF KIRIBATI ]

HIGH COURT CIVIL APPEAL 37 OF 2007

BETWEEN: BERU ISLAND COUNCIL APPELLANT

AND: TABITI TANGIRA RESPONDENT

FOR THE APPELLANT: MR MONOO MWERETAKA

FOR THE RESPONDENT: MR MANTAIA KAONGOTAO

DATE OF HEARING: 14 OCTOBER 2009



**JUDGMENT**  
(EX TEMPORE)

The respondent was dismissed by the appellant for some act or omission. She had worked for the Council for some years. Counsel agree her employment was governed by the terms of the Council Conditions of Service.

**Termination**

- 5. An employee may be terminated by giving him or her a letter of one month notice prior to his or her termination or by paying him one month's salary in lieu.**

The respondent sued the appellant for wrongful dismissal. The magistrates decided in her favour and ordered that her wages from the date of dismissal, 12 November 2006 to date of their judgment be paid and she be reinstated.

This was far more than she was entitled to under the Conditions of Service. The Council was entitled to dismiss her on one month's notice or the payment of a month's salary in lieu: no more.

I am told she was being paid \$85.00 per fortnight not including KPF contribution or tax. That is approximately \$180.00 for a month. To this should be added interest. I allow interest at 5% for three years. Counsel agree to \$55.00 for interest.

The appeal is allowed: the judgment of the magistrates is quashed: in its place there will be judgment for the respondent for \$235.00.



THE HON ROBIN MILLHOUSE QC  
Chief Justice

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