

**Attention is drawn to the order prohibiting publication of certain information in this determination**

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

[2017] NZERA Auckland 70  
3001315

BETWEEN            DAVID BANGS  
                                 Applicant

A N D                SUE JOHNSTONE t/a GRANT  
                                 JOHNSTONE NISSAN SUZUKI  
                                 Respondent

Member of Authority:       Rachel Larmer

Representatives:            Becky Brown, Counsel for Applicant  
                                 Nicholas Koreneff, Advocate for Respondent

Investigation Meeting:      22 February 2017 at Rotorua

Submissions Received:      27 February 2017 from Applicant  
                                 1 March 2017 from Respondent  
                                 3 March 2017 from Applicant

Date of Determination:      15 March 2017

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**DETERMINATION OF THE  
EMPLOYMENT RELATIONS AUTHORITY**

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[1]     The Authority issued an oral non-publication order at its investigation meeting on 22 February 2017 regarding the medical information produced by Mr Bangs in support of his claims against his former employer.

[2]     That oral non-publication order is made final and recorded in writing. It has been issued in order to protect the privacy and confidentiality of the medical records and medical

issues and information produced in the course of the Authority's investigation about Mr Bangs, his parents, his wife and his children.

[3] I consider that there is no public interest to be served in making such sensitive and personal information publicly available. I am satisfied that it is in the interests of justice to issue a final non-publication order in respect of the medical information produced at or examined and discussed during the Authority's Investigation Meeting.

[4] Accordingly, pursuant to clause 10 Second Schedule Employment Relations Act 2000, the Authority orders that a non-publication order applies to the medical information placed before the Authority.

**Rachel Larmer**  
**Member of the Employment Relations Authority**