

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

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND OFFICE**

**I TE RATONGA AHUMANA TAIMAHI
TĀMAKI MAKAURAU ROHE**

[2019] NZERA 580
3005373

BETWEEN MELISSA JEAN OPAI
Applicant

AND COMMISSIONER OF POLICE
Respondent

Member of Authority: Rachel Larmer

Representatives: Rani Amaranathan, Counsel for the Applicant
Hamish Kynaston and Nicola Ridder, Counsel for the
Respondent

Investigation Meeting: On the papers

Submissions Received: 10 October 2019 from Applicant

Date of Determination: 11 October 2019

DETERMINATION OF THE AUTHORITY

Employment Relationship Problem

[1] Ms Opai has filed sensitive and private medical information in support of her claims against the Commission of Police (Police). Ms Opai has given evidence in her witness statements about her medical issues and that evidence was supported by Dr Harris.

[2] Neither the Authority nor the Police wished to question Dr Harris, so his evidence is accepted as unchallenged.

[3] Ms Opai has sought a non-publication order regarding her medical evidence. There is no public interest in having such personal and sensitive information put into the

public domain. Those involved in these proceedings are fully aware of this evidence and have had an opportunity to address it through the Authority's investigation process.

[4] It is appropriate to invoke the Authority's discretion to make a non-publication order that preserves Ms Opai's privacy. Accordingly, under clause 10(1) of the Second Schedule of the Employment Relations Act 2000 the Authority orders that any medical evidence or information filed by Ms Opai about her medical issues is not to be published.

Rachel Larmer
Member of the Employment Relations Authority