

NEW ZEALAND'S NO-FAULT COMPENSATION SCHEME — 12 YEARS ON

A paper prepared by the Rt. Hon Geoffrey Palmer, Deputy
Prime Minister and Attorney-General and Minister for Justice
of New Zealand

(The New Zealanders) are proud of their innovations and their trials of what had been tried nowhere else; they enjoy being able to smile at the timidity of the old countries, and to believe that they are giving them lessons.

Andre Siegfried
Democracy in New Zealand (1913)

New Zealand's accident compensation scheme is now in its 12th year of operation.

2. A generation of New Zealanders has reached adulthood with no experience of any other system of compensation for accidental injury. A whole generation who have known only no-fault.

3. Accident compensation is an integral part of New Zealanders' lives. The scheme meets general community acceptance and has become an established social institution. The benefits are available to the child who falls out of a tree, the housewife who burns her hand, the jogger who falls, the professional jockey who breaks an arm, the lawyer injured in a motor accident or the waitress who strains her back. Apart from the non-earning child and housewife, all those mentioned contribute to the scheme in some way, and all benefit in many ways.

4. When the Accident Compensation Corporation celebrated its 10th anniversary, it published a brochure entitled "A Bold Experiment" designed to increase the public's awareness of the unique nature of the scheme. New Zealanders, however, are a reasonably undemonstrative lot. The fact that their country was the first in the world to establish a fully fledged no-fault Accident Compensation scheme was not regarded as cause for any special notice.

5. While being of considerable interest to lawyers, doctors, the insurance industry and trade unionists at the time of enactment, the scheme is now accepted as being simply another facet of the social security system which has been in place for nearly 50 years in New Zealand. As such it is regarded as sensible, humane and a thoroughly reasonable way of doing things.

6. The demise of the common law tort liability in New Zealand has been notable only for the complete lack of public lamentation on the matter. I can tell you that the absence of tort liability in New Zealand has neither reduced once-proud legal firms and insurance companies to penury, nor resulted in outraged would-be litigants pleading with Government to turn the clock back.

7. So, having legislated away the common law redress for accident - what have New Zealanders go to replace it?

8. What we have is the Accident Compensation Act 1982, which amends and consolidates the original Accident Compensation Act 1972.

9. The purposes of the Accident Compensation Act 1982 are set out in section 26:

- "(a) To promote safety, including occupational health;
- (b) To promote the rehabilitation of persons who suffer personal injury by accident;
- (c) To make provision for the compensation of persons who suffer personal injury by accident and certain dependants of those persons where death results from the injury."

10. It should be pointed out at this stage, that the order of priority accorded the three principal functions of the Act - namely safety, rehabilitation and compensation - is not fortuitous and indicates the philosophical genesis of the scheme of which more will be said later.

11. The Act removes action for damages in tort.

12. The main benefits available under the accident compensation scheme are:

- (i) earnings-related compensation at a level of 80% of lost earnings.
- (ii) earnings-related compensation for dependants of a deceased earner
- (iii) the reasonable cost of medical or dental treatment (Treatment in public hospitals is free for everyone in New Zealand.)
- (iv) the reasonable cost of all hospital, medical, dental or related expenditure.
- (v) reasonable transportation costs relating to medical or rehabilitative treatment.
- (vi) reasonable incidental costs of meals and accommodation incurred in respect of treatment.
- (vii) the cost of damage to artificial limbs or aids or clothings used or worn at time of accident.
- (viii) actual and reasonable expenses and proved economic losses necessarily or directly resulting from the injury.
- (ix) compensation to a member of the household for quantifiable loss of service of a domestic or household nature.
- (x) compensation for anyone who can show actual and reasonable expenses or losses incurred in helping an accident victim
- (xi) payment for reasonable cost of necessary constant personal attention following injury
- (xii) modest lump sums with statutory limits for permanent physical disability

(xiii) modest lump sums with statutory limits for pain and suffering, disfigurement and loss of amenities or enjoyment of life.

(xiv) rehabilitation and retraining assistance.

(xv) reasonable funeral expenses.

(xvi) lump sums for any dependant spouse and children if death results.

13. The scheme is administered by a State Corporation and financed by levies on:

(i) motor vehicles

(ii) employers

(iii) the self-employed

(iv) there is also a contribution from taxation appropriated by Parliament.

14. The source of funds is almost the same as those which fuelled the old tort and workers' compensation systems swept away by the new scheme.

15. Administration costs of the scheme are presently 8.4% of total income (this includes administrative expenditure on safety and rehabilitation) and the table below sets out the claims and finance of the Accident compensation Corporation since its inception in 1974:

Year Ending 31 March	Claims Received	Claims Declined	Total Income	Total Expenditure
1975	105,018	784	81,316	32,690
1976	130,657	2,485	93,810	59,250
1977	130,235	3,490	110,385	81,341
1978	132,438	5,454	127,789	89,181
1979	135,369	4,936	141,093	98,028
1980	126,391	3,991	174,087	104,411
1981	128,787	2,708	201,553	126,601
1982	131,916	1,168	242,388	192,371
1983	144,515	1,157	283,586	253,142
1984	153,259	1,005	325,336	284,577
1985	159,106	1,225	300,249	340,107

16. This year, the levy on most motor vehicles has been raised to \$43.10, but the total motor vehicle registration is still only \$90.30 p.a. This compares more than favourably with all Australian states, and in particular, those states such as New South Wales, which retains the tort system and where motor vehicle registration was \$174 p.a. as at 1 December 1985.

17. The system is speedy - the average time lag between receipt of a claim and a cheque being posted to the claimant is about 10 days. Earnings - related compensation may continue on a periodic basis indefinitely with the present maximum weekly payment being \$817.00.

18. Last year, of the 159,106 claims received, 5,896 applications for review were lodged in respect of decisions of the corporation and of these 294 appeals were lodged in respect of decisions of Review officers. (Approximately 10 per cent of review decisions favoured the applicant either wholly or in part.)

19. So, there it is. A unique no-fault compensation scheme - which gives 24 hour coverage for all New Zealanders injured by accident. It is entering its 12th year of operation with universal public acceptance and -by and large - public approval.

20. Before examining the philosophy which provided the framework of New Zealand's present no-fault scheme, it may be of interest to note that dissatisfaction with the jury trial in road accident cases was expressed at New Zealand's Fifth Dominion Legal Conference as early as 1938, when a remit was passed approving the principle of absolute liability for personal injuries in motor accident collision cases with damages to be assessed in some suitable manner.

21. In 1939 the Minister of Justice set up a Committee to examine the question but the inquiry was suspended because of the war. When the experience of other countries is considered it is significant that in New Zealand the initiative for reform tended to come from lawyers.

22. In 1962 the then Minister of Justice established a Committee to examine the issue of Absolute Liability and to examine and report to the Minister on the desirability of the introduction of some sort of absolute liability for death or bodily injury arising out of the use of motor vehicles, including the adequacy and justice of the present law and insurance practice and legal procedure.

23. While the Committee shied away from abandoning the fault system, they conceded that the common law action was indeed open to serious criticism.

24. In order to "meet the social problem of misfortune which follows accident the whole basis of the present system should be reviewed". Such an investigation was beyond the scope of the Committee's work. The chairman, Mr Wild, to become Chief Justice three years later, dissented. He said:

"A new approach is needed, viewing the matter as a social question and not as a legal contest, facing the fact that the toll of the roads, despite our best endeavours, will remain a permanent feature of life. The problem calls for compensation for misfortune rather than damages for an individual wrong. Under the conditions of modern traffic an accident is an accident and the real responsibility rests on society. Just as society has had the benefits of modern transport so it should provide for the harm that it causes. It is better both from the social and the individual point of view that everyone suffering loss by road accident should be compensated than that compensation should depend on the chance that a motorist can be made legally accountable."¹

25. Wild's view prevailed - and in 1966 a Royal Commission was established - chaired by the then Mr Justice Woodhouse.²

26. By the close of 1967, the Commission had reported. Its key paragraph said this:

"Five General Principles - We have made recommendations which recognise the inevitability of two fundamental principles -

First, no satisfactory system of injury insurance can be organised except on a basis of community responsibility:

Second, wisdom, logic, and justice all require that every citizen who is injured must be included, and equal losses must be given equal treatment. There must be comprehensive entitlement.

Moreover, always accepting the obvious need to produce something which the country can afford, it seemed necessary to lay down three further rules which, taken together with the two fundamental matters, would provide the framework for the new system. There must be complete rehabilitation. There must be real compensation - income - related benefits from income losses, payment throughout the whole period of incapacity, recognition of permanent bodily impairment as a loss in itself. And there must be administrative efficiency. the five guiding principles can be summarised as -

Community responsibility
Comprehensive entitlement
Complete rehabilitation
Real compensation
Administrative efficiency."

27. Just five years later the Woodhouse proposal had found sufficient public and political endorsement for it to be put into legislation. The Accident Compensation Act 1972 was later consolidated and amended in 1982 and it should be noted that the five principles enunciated in the original Woodhouse Report continue to be the guiding principles of the scheme.

28. In making the legal and social reforms necessary to establish a no-fault accident compensation scheme, New Zealand was no doubt assisted by its relatively small size. There were other special factors about our social history, however, which encouraged public acceptance of what was and still is a radical approach to compensation for incapacity. New Zealand has a remarkable history of innovation in social legislation.

29. Reforms at the turn of the century in the fields of industrial legislation, old age pensions and land tenure established a positive attitude towards equality of opportunity. This was later exemplified by the Social Security Act 1938, passed by the first Labour Government, which created the context for the high level of community responsibility towards individuals which is still a feature of our social arrangements.

30. The state's inevitable interest in the welfare of its citizens was described in the Woodhouse Report this way:

"Community Responsibility: This first principle is fundamental. It rests on a double argument. Just as modern society benefits from the productive work of its citizens, so should society accept responsibility for those willing to work but prevented from doing so by physical incapacity. And, since, we all persist in following community activities, which year by year exact a predictable and inevitable price in bodily injury, so should we all share in sustaining those who become the random but statistically necessary victims. The inherent cost of these community purposes should be borne on a basis of equity by the community."

31. The report also made explicit the moral commitment which underpins the scheme as a whole with...

"The toll of personal injury is one of the disastrous incidents of social progress, and the statistically inevitable victims are entitled to receive a coordinated response from the nation as a whole."

32. New Zealand's historic commitment to state support for the sick, the unemployed and the elderly as well as public acceptance of the fact that because all citizens contribute to the state, all are entitled to assistance from the state, provided the context and set the scene for acceptance of the Woodhouse proposals.

33. I am also of the view that the proposed reform received relatively rapid, bipartisan political endorsement because New Zealanders are practical people who know a good idea when they see one.

34. Since its inception, the New Zealand scheme has been the subject of considerable international interest.

35. I have myself acted in various advisory capacities on the subject to the governments of Australia, Sri Lanka and Cyprus as well as lecturing extensively on it in Canada and the United States.

36. A non-stop procession of academics, lawyers, insurers and journalists have travelled to New Zealand over the past decade to examine the scheme and to assess its possibilities for transplant.

37. As stated at the beginning of this paper, the demise of the action in tort to recover damages has been wholly unlamented in New Zealand. Its removal was a key factor in the legislation set up to establish the scheme and while attracting a certain amount of opposition from the insurance industry and the legal profession, their lobby was not sufficient to do more than affect detail rather than substance.

38. I commented some years ago that although a distinguished literature has grown up cataloging the weakness of the common law as a method of dealing with accidental injury, the institution had still shown much resilience in the face of acid criticism.⁴

39. This has not changed.

40. The historic criticisms of the tort system still apply and need no detailed rehearsing. The defects of the common law remedy known by some as a "forensic lottery"⁵ are as obvious today as they ever were.

41. The system was described recently in a document released by Lord Hailsham's department as "inefficient, dilatory and expensive";⁶ the problems of the uncompensated victim, of waste and of delay are well-known.

42. I said at the end of the 1970's that the survival of the common law system then seemed doubtful. I thus find it of considerable interest today to observe that legislators in both the United Kingdom and the United States of America seem now to be directing their efforts towards attempting to modernise the tort system dinosaur, rather than undertaking any fundamental reform.

43. Being one of those who played a part in ridding New Zealand of the common law remedy, I have to say that I view any attempt to streamline or improve a system of compensation based on tort as being very much second best solution. It would be far cheaper and fairer to get rid of the tort system altogether for personal injury, not to modify it.

44. In the United States any attempts at reform in the area of tort has run up against what is held to be a fundamental principle of democracy - the belief that any citizen should have unrestricted access to the courts for redress of any grievances he might suffer.

45. Nonetheless, so out of control have damages awards for personal injury become, particularly in the field of medical malpractice, that a report prepared for President Reagan has now recommended legislation be introduced to control runaway damages awards by American juries. In addition, a very large number of state legislatures have recently seen the introduction of measures designed to deal with what is said to be a crisis in the insurance industry, and it is not surprising that most of these look to some sort of tort reform.

46. A bill now before Congress seeks both to cap pain and suffering awards at \$100,000 and to require that punitive damages be paid to a court in the form of a fine. I suspect, however, that any attempt to control awards made by American juries will be sternly resisted and may not succeed.

47. British legislators, too, seem to have flagged away any fundamental reform of their compensation system.

48. After a brief flirtation with the Pearson Commission's proposal regarding the introduction of a no-fault scheme for road accidents, the plan came to nothing and to date none of the leading recommendations of the Pearson Report⁷ have been adopted.

49. It now seems clear that the narrow view taken by members of the Royal Commission on Civil Liability and Compensation for Personal Injury (the Pearson Commission) of their terms of reference should have warned anyone against expecting any real change to the existing mix of compensation systems in Britain. The Commission expressed a preference for a mixed system of tort liability complementing social security and set about redefining the relationship between those two systems.⁸

50. While acknowledging the shortcomings of the tort system with expressed scepticism on the deterrent value of tort liability and concern on the expense and patchiness of compensation, it seems that the Pearson Commission was not willing to take the unpopular step of recommending the removal of a remedy to which the public had become accustomed. Indeed one member of the Commission, Norman S Marsh, QC suggested later⁹ that the Pearson Report "reflected the conflicting views of the community as to the fundamental principles on which compensation for disability should be paid". He further pointed out that there were "some in the Commission who saw in tortious liability for negligence the recognition of a moral principle which should not be weakened".

51. Even the no-fault motor injury scheme recommended by the Commission was to be a hybrid scheme which retained recourse to the courts. This was said to be in order to avoid the anomaly of "someone injured by the fault of another ... on the roads ... (receiving) less compensation than if he had suffered an identical injury, also through the fault of another, in different circumstances" (Para 302).

52. Norman Marsh has stated that all the Pearson Commission aimed to do was to suggest a "large number of individual reforms which seemed desirable in themselves and which did not appear to prejudice the possibility of, and indeed could facilitate more fundamental reform in the future".

53. But five year's work and the Commission's 188 recommendations fell on stony political ground and it now seems that far from gearing up to fundamental reform, the British system of personal injury compensation is set to remain much as it is now, with some possible fine tuning.

54. Before looking at the latest attempt of the English legal system to grapple with personal injuries litigation, it should be acknowledged that the tort system is operated in British courts in a somewhat more controlled manner than is the case in the United States of America.

55. The "tariff" system is of significance here and in his discussion of the Pearson Report, Professor Fleming of the University of California Law School put it this way:

"The courts have also contributed to keeping the tort system workable by compensating for the incremental expansion of liability rules by keeping the lid on damages. Certainly compared with American awards, British awards look niggardly. This has been a matter of deliberate judicial policy, ranging from the categorical ouster of juries to an unrealistic attitude towards inflation. Perhaps the most striking feature of the modern English tort system is the virtual adoption of tariffs for particular injuries - the bureaucratisation of damage assessments and a distinct move towards the model of social security, away from the individualistic character of the traditional common law. Similar osmotic tendencies can be discerned in other countries, especially in Scandinavia, with a parallel growth of social security mentality."¹⁰

56. It is thus not surprising to read in the recent consultation paper on Personal Injuries Litigation issued by the Lord Chancellor's Department that further attempts are to be made to control and streamline the tort system in order to head off what the document acknowledges as "public concern on the score of cost and delay".

57. The material contained in the consultation paper is of considerable interest - particularly as the results of a factual study undertaken by a firm of management consultants is something of a first in its disclosure of the costs and the delay associated with personal injury litigation.

58. The judgement made on the present system in the light of the study's conclusions is, to my mind, a model of restraint. The system is described as "inefficient, it is dilatory. And it is disproportionately expensive."

59. In contrast, I find the facts thrown up by the study to be horrendous. For example:

- (a) High Court cases take four, five, six or more years from accident to conclusion.
- (b) Even County Court cases where the amount in dispute is usually no more than £3,000 can take three years or more from accident to conclusion.
- (c) Cases which settle by agreement can take as long as those where there is a trial.
- (d) It can take three years after the accident to get a case started.
- (e) Even when the case is started it takes nearly two years in the High Court in London before the defendant is provided with details of the plaintiff's case.
- (f) And when the two sides are all set for trial it takes the best part of the year in the High Court before a judge can be made available.
- (g) In the High Court, for every £100 of damages awarded the costs add up to £50, or £70, depending on the basis of calculation.

60. I understand that the suggested options for change include a "hotted up" procedure with shortened time limitations for the commencement of proceedings, specialised qualifications for solicitor in this field, an arbitration system for straightforward claims plus publicity of potential claimant's rights to encourage early claims.

61. I shall follow future developments consequent upon the Lord Chancellor's initiative with considerable interest.

62. To return to the New Zealand scene, it should be remembered that the scheme aims at more than simply providing compensation for personal injury.

63. As set out in section 26 of the Accident Compensation Act, its principal functions are to promote safety and rehabilitation, in addition to providing compensation.

64. The Accident Compensation Corporation employs safety consultants in head and regional offices and conducts a number of safety training courses each year.

65. The Corporation is active in occupational health and safety, home safety, road safety campaigns and in promoting injury prevention in the major sporting codes. Product safety is encouraged through the Product Safety Council.

66. In addition, the Corporation pays the full operating costs of the National Ambulance Officers' Training School as well as contributing significantly to the financial support of organisations such as the Consumers Council, Standards Association, Water Safety Council and the Defensive Driving Council.

67. The vital rehabilitation work of the Accident Compensation Corporation is expanding, with the referral of accident patients for rehabilitation assistance rising from under 9,000 in 1981/82 to 14,000 in 1984/85.

68. A total of 55 rehabilitation officers are located in 22 centres. They provide liaison between injured persons and the providers of a range of rehabilitation programmes as well as rehabilitation aids and assistance.

69. Twelve years on, the framework and principles of the Accident Compensation scheme remain sound. Such problems that have emerged are now the subject of an Interdepartmental Study Team which is due to report very soon.

70. The major cause for concern is the very large proportion of expenditure (21% approximately) currently going to health care.

71. The most significant factor in health care costs is that the \$80 million a year spent in this area nearly all goes to the private sector. At a time when the Government finds itself in the position of having to curtail spending in the public health sector it is of some concern to see public money being directed through the Corporation into the funding of private hospitals, sports clinics, private physiotherapy practices and others. There is particular concern for the implications this has for manpower deployment in the health professional field.

72. Another aspect of the scheme which is being looked at is the question of whether the general practitioner should be left with sole discretion to decide whether an injury is in fact to be classified as an accident.

73. Between 1981 and 1985 the number of general practitioner treatments classified as accidents rose from 3.1 million to 4.4 million, while the total visits remained constant. There is no evidence to suggest that New Zealanders are becoming more accident prone and the suspicion is that a wider range of medical conditions are now being put into the category necessary for the Accident Compensation Corporation to foot the bill.

74. The third area which needs to be addressed is the old problem whereby the current high level of expenditure directed towards minor injuries tends to be at the expense of those suffering more serious incapacity.

75. Finally, the question of extending the compensation scheme to cover incapacity resulting from sickness and congenital disability as well as by accident remains to be answered.

76. This was addressed in the original Woodhouse Report and it was suggested there that while such an extension was logical ... "the proposal we have put forward is far-reaching and is designed to remedy a situation which at present is the subject of attention by unrelated processes which produce inconsistent and inadequate results. Moreover, there is a need for more statistical information in the area of sickness and disease before firm decisions could be taken as to the cost of a scheme which would embrace incapacities from these causes."

77. To my mind, the issue comes down to one of social equity. How can the person with cancer be treated less than the man who is hurt in a motor accident? It is impossible to find a persuasive argument against the proposition that people with similar incapacities should be treated the same way whether the origin of their trouble was accident, disease, congenital disability or is simply unknown.

78. The New Zealand Government is establishing a Royal Commission on Social Policy this year and I expect the extension of our accident compensation scheme will be one of the major items to be addressed. I hope the humanity and practicality inherent in our present system of compensating the victims of accident can soon be extended to other victims of disability.

79. Elimination of distinctions between people based on the cause of their incapacity must occur. I have no doubt that it is the most important piece of unfinished business arising out of reforming accident law in New Zealand.

The table below is taken from the Accident
Compensation Corporation's Annual Report to March 1985

It should be noted that the system of funding was changed in 1985 from a fully funded scheme to a pay-as-you-go system. This resulted in levies on employers being dropped - they now stand at 77 cents per \$100.00 of leviable income with the self-employed rate raised to \$1.00 per \$100.00 of leviable income. Levies were now set at the rate to fund four or five years of outstanding liabilities.

STATEMENT OF INCOME AND EXPENDITURE FOR THE YEAR ENDED 31 MARCH 1985

STATEMENT OF INCOME AND EXPENDITURE FOR THE YEAR ENDED 31 MARCH 1985

	1985				1984			
	Earners' Account	Motor Vehicle Account	Supplementary Account	Total	Earners' Fund	Motor Vehicle Fund	Supplementary Fund	Total
Income								
Gross levy revenue	\$ 155,285,871	\$ 40,668,338		\$ 195,954,207	\$ 202,928,594	\$ 26,110,546		\$ 229,039,140
Investment income (note 7)	44,667,317	16,705,748		61,373,065	42,547,251	18,531,181		61,078,432
Other			42,921,912	42,921,912			35,218,984	35,218,384
Total income	\$ 199,953,188	\$ 57,374,084	\$ 42,921,912	\$ 300,249,184	\$ 245,475,845	\$ 44,641,727	\$ 35,218,984	\$ 325,336,556
Expenditure								
Earnings related compensation or loss of potential earnings, payable to injured persons	119,393,804	28,488,145	268,055	148,150,004	100,406,590	24,129,995	155,603	124,692,188
Earnings related compensation or remittance grants, payable to dependants	13,267,036	12,524,893	347,474	25,791,929	12,262,327	11,323,361	305,156	23,585,688
Funeral expenses and dependants' allowance	971,883	1,508,041	9,092,649	2,827,398	656,059	1,145,561	6,606,931	2,106,776
Non-economic loss	32,726,278	15,040,631	56,859,558	51,140,156	22,986,597	12,247,981	19,589,148	41,841,509
Medical treatment	21,466,765	5,843,483	23,829,908	12,135,766	17,944,601	4,835,098	2,136,127	42,368,847
Hospital treatment	8,378,271	1,224,606	2,532,989	3,137,959	6,560,932	1,079,159	996,028	9,776,218
Dental treatment	1,783,790	417,242	936,927	5,827,265	1,781,310	425,140	1,653,519	3,202,478
Conveyance for medical attention	2,466,023	1,841,460	1,519,782	1,399,282	2,535,586	2,058,840	478,981	6,247,945
Rehabilitation - aids, training, and grants	523,767	662,893	212,622	1,399,282	305,354	478,981	181,636	965,971
Other expenditure	1,405,014	2,303,899	1,629,823	5,338,736	1,868,474	1,735,498	1,324,092	4,928,064
Total compensation	\$ 202,382,631	\$ 69,855,293	\$ 40,370,129	\$ 312,608,053	\$ 167,307,830	\$ 59,459,614	\$ 32,948,240	\$ 259,715,684
Safety incentive bonus	1,268,555			1,268,555	1,204,202			1,204,202
Financial grants	460,763	257,031	227,083	944,877	442,930	232,531	113,405	788,866
Levy revenue collection fee	2,635,297	1,184,993		3,820,290	2,831,555	1,017,324		3,848,879
General account transfer	16,195,623	2,945,049	2,324,700	21,465,372	14,090,941	2,771,246	2,157,339	19,019,525
Total expenditure	\$ 222,942,869	\$ 74,242,366	\$ 42,921,912	\$ 340,107,147	\$ 185,877,468	\$ 63,480,715	\$ 35,218,984	\$ 284,577,157
Addition or (reduction) to account balance	(22,989,681)	(16,868,282)						

FOOTNOTES

1. Report of the Committee on Absolute Liability, Government Printer, Wellington New Zealand, 1963.
2. Then a judge of the Supreme Court of New Zealand, later President of the Court of Appeal and now Chairman of New Zealand's first permanent Law Reform Commission.
3. Compensation for Personal Injury in New Zealand, Government Printer, Wellington, New Zealand, 1967.
(Known as the Woodhouse Report)
4. Compensation for Incapacity, Geoffrey Palmer, Oxford University Press, 1979.
5. The forensic lottery; a critique on tort liability as a system of personal injury compensation, Terence G. Ison, Staples, London, 1967.
6. Civil Justice Review, Personal Injuries Litigation consultation paper, Lord Chancellor's Department, February 1986.
7. Report of the Royal Commission on Civil Liability and Compensation for Personal Injury, 1978
8. See Fleming "The Pearson Report: Its Strategy", (1979) 42 MLR 249
9. See Marsh, "The Pearson Report on Civil Liability and Compensation for Death or Personal Injury", (1979) 95 LQR 513.
10. See Fleming, (1979) 42 MLR 251.