

ALEXANDRA BRISCOE, ASSISTANT EDITOR

Victoria University of Wellington, Faculty of Law, Student/Alumni
alexandra.b.484@gmail.com

JOHN PREBBLE QC, EDITOR

Professor of Law, Victoria University of Wellington - Faculty of Law, Gastprofessor, Institut für Österreichisches und Internationales Steuerrecht, Wirtschaftsuniversität Wien, Adjunct Professor of Law, University of Notre Dame Australia - School of Law

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Announcements

Victoria University of Wellington Student and Alumni Sub-Series Issue 6: ACC and Mental Injury

ACC and Mental Injury is the sixth in 2020 of several issues of the Student/Alumni Sub-Series of the Victoria University of Wellington Legal Research Paper Series.

The Student/Alumni Sub-Series was launched in 2015. It distributes a selection of Honours and Postgraduate papers from Victoria University of Wellington Law School. The sub-series includes both general and thematic issues.

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LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS

"The Link between Physical and Mental Injury: A Redundant Paradigm for Determining Compensation under the Accident Compensation Act"

Victoria University of Wellington Legal Research Paper No. 18/2020

TIFFANY BUCKLEY, Victoria University of Wellington, Faculty of Law, Student/Alumni
Email: tiffany.buckley11@gmail.com

There is currently an inequitable gap in compensation under the Accident Compensation Act, whereby claimants who suffer from a mental injury after an accident but not a physical injury cannot get compensation. The purpose of this paper is to consider this gap in compensation by analysing a recent High Court Judgment, *W v Accident Compensation*. In this case, Collins J recognises that sometimes we will not always be able to establish a direct causal link between a physical and mental injury. However, that does not mean that we should not provide cover. Whilst Collins J's judgment is aligned with current evidence around the causes of mental injury, this paper outlines the issues associated with such a policy change coming from the courts. Instead, this paper proposes that a legislative change is required to extend mental injury compensation to those that have suffered a mental injury from being in an accident, regardless of whether they also suffered a physical injury.

"Mind over Matter: An Analysis of ACC's Treatment of Mental Injuries in the Wake of the

Christchurch Terror Attacks"

Victoria University of Wellington Legal Research Paper No. 19/2020

REBECCA TYLER, Victoria University of Wellington, Faculty of Law, Student/Alumni
Email: bex.tyler333@gmail.com

The ACC scheme has long been criticised for the boundaries it has placed on coverage under the Act. This paper will focus on the Act's treatment of mental injuries, in light of the Government's recent decision not to extend coverage for 'purely' mental injuries following the Christchurch terror attacks. Due to a reliance on common law notions of compensation eligibility for mental injuries, the Act's current framework perpetuates the stigmatisation of mental health and injuries by relegating it to a position below physical injuries. This is not a position that should be accepted by our current government which claims to prioritise mental health in its budget. Coverage under the Act for mental injuries only exists in three specified situations; it is therefore not treated equally to physical injuries. This paper will explore some of the reasons for and against expanding cover for mental injuries in their own right. Ultimately, it will argue that legislative consistency and policy supports a change in the definition of personal injury to include 'purely' mental injuries, in order to ensure they are treated equivalent to physical injuries.

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About this eJournal

Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the **Faculty of Law at Victoria University of Wellington**. Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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Stanford Law School, Columbia Law School, European Corporate Governance Institute (ECGI)

Email: rgilson@leland.stanford.edu

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