



THE KIWIFRUIT CLAIM

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KIWIFRUIT GROWERS AGGRIEVED BY PSA OUTBREAK DECISION

Kiwifruit growers are aggrieved by today's Court of Appeal decision that finds the Government was responsible for the 2009 PSA outbreak that devastated the industry but is not liable for the losses. The Kiwifruit Claim have confirmed they will appeal the decision in the Supreme Court.

"The Court of Appeal held that MPI was negligent in allowing a high-risk shipment of pollen anthers infected with PSA from China into New Zealand. But they found the Government does not owe a duty of care to ordinary New Zealanders and can't be held liable for its actions, simply because it's the Government," said John Cameron, Kiwifruit Claim Chairman.

"The decision by the Court of Appeal relied upon an interpretation of the Crown Proceedings Act that effectively means the Government can't be held to account for any wrongdoing.

"We believe this interpretation is wrong. It is both logical and reasonable that the Government should be held responsible for its actions, and those of its employees, where it is clear that significant harm and losses have resulted from their negligence. This is no different to the law that allows us to hold local councils and private business to account for their negligence," said Mr Cameron.

"While our legal team need to analyse this latest decision, this is far from over. We will appeal this decision to the Supreme Court," said Mr Cameron. "We would like to acknowledge the hard work from our legal team and the financial support provided by litigation funders, LPF Group, who have enabled this case to proceed this far."

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