



## THE KIWIFRUIT CLAIM

### The Kiwifruit Claim

#### Court update 11 august 2017

The start of the High Court trial in Wellington this week to hold the Government and Ministry of Primary Industries to account for the losses suffered during the PSA incursion, was a significant milestone for the Kiwifruit Claim.

After extensive preparations, our legal team has now completed the first week of the trial, which may take 13 weeks. Our legal team started the week by delivering the plaintiffs' opening submissions which provided an excellent overview of the arguments to support our case. Our legal team are very happy with progress and the evidence that has been presented this week.

We have had excellent evidence presented from growers and others this week, including Bob Burt, Murray Holmes, Don Hyland, Rob Bayly, Peter West, Gail West, Lee Crawshaw, Karl Taylor, Murray Judd and David Black. The growers gave evidence of the impact of PSA on their orchards, businesses and livelihoods. Our legal team also presented witnesses who provided the Court with an explanation of the pollination process, and the use of bees and beehives in the kiwifruit industry.

We would like to thank all those who have given evidence, including those who are not part of the Claim. We appreciate both the considerable time you have taken to prepare your evidence, and the commitment you have shown to come to Wellington to assist the Court case and present evidence in what is an intimidating environment.

Our legal team sought permission from the Court to call prior employees of Kiwi Pollen to give evidence along with some current and former MPI staff. This was strongly opposed by the Crown and subject to extensive argument, as the Crown was not wanting them to be required to give evidence. The Judge has now provided a judgment and ruled in our favour that the Kiwi Pollen employees and the MPI staff members must provide evidence. The Kiwi Pollen witnesses will be providing evidence this coming week.

There was a significant amount of media interest and coverage leading up to the Court case, and on Monday this week, covering the first days' proceedings. There will continue to be strong media interest in the case, and we will keep you updated on coverage.

The committee members, John Cameron, Bob Burt, Stuart McKinstry and Grant Eynon have worked hard to bring this case to fruition, and all of us were in Court this week for the opening, together with our litigation funder, LPF Group. Other interested growers were also present for some of the week to show their support, and we really appreciated this.

Members of the Committee will continue to attend the trial in Wellington and keeping a close watch on the legal proceedings. You are most welcome to attend the High Court and listen to the proceedings if you are in Wellington and wish to see for yourselves. Please feel free to contact the Committee who can let you know the details.

## **TRIAL TIMETABLE**

The lawyers have advised us of the likely time for the trial. It is expected that we will not need all of the 13 weeks currently scheduled. This will depend on how long each witness is required to give evidence and how many questions they are required to answer. While it is not possible to give exact times and dates, it is expected to run as follows:

- 14 August – Seeka and Kiwi Pollen to give evidence this week
- 21 August – Expert evidence on how PSA arrived into NZ and the spread of PSA to be given
- 11 September – The Crown will open its case.
- 12 September – The Crown’s witnesses give evidence and are then cross examined by our lawyers.
- 30 October – The Crown closes its case.
- 1 November- Our lawyers close our case.
- 3 November – Trial scheduled to finish.

We will continue to keep you regularly updated as the Court case proceeds. If you have any questions please feel free to contact us. Our chairman, John Cameron, can be contacted on 027 497 9534, or use the Q&A forum on the website: [www.thekiwifruitclaim.org](http://www.thekiwifruitclaim.org).

The Kiwifruit Claim Committee

11 August 2017