



THE KIWIFRUIT CLAIM

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NEWSLETTER– 29 JUNE 2018

### COURT CASE DECISION

Today we received the decision from the High Court in the Stage 1 trial to hold the Government and Ministry of Primary Industries to account for the losses suffered during the PSA-V incursion.

We are delighted that Justice Mallon has found that MPI and the Government were negligent in allowing PSA-V into New Zealand and has also recognised that MPI owes a duty of care to kiwifruit growers when carrying out its biosecurity functions.

This landmark decision is a significant step in ensuring those responsible for letting PSA-V into New Zealand are held to account for what happened and allows us to move to Stage 2 of the case which establishes the Crown's liability to individual growers.

We have waited a long time for this day and the Claim Committee would like to acknowledge the hard work from our highly experienced legal team who delivered an extremely compelling case and the commitment, support and assistance provided by litigation funders LPF Group, who have enabled this case to proceed.

We would also like to thank you all for your support, especially the growers who provided evidence in court and information to support the court case.

Our legal team are currently working through the Judgement in its entirety and will advise us of next steps and likely timing over the coming weeks. It is very important that you keep all of your documents (see below).

We are sure many of you will have questions about this decision from the Court, we will ensure that we keep you updated on any further information or developments when they arise. Please feel free to contact us, our chairman, John Cameron, can be contacted on 027 497 9534.

The Kiwifruit Claim Committee

29 June 2018

### MEDIA

There has been widespread media coverage of the court case and we expect there to be further coverage following today's decision. We would like to thank all the growers who contributed their time and personal stories. If you receive any requests from media feel free to call Bronwynne Howse on 027 4583 198 to assist you.

## REMINDER ABOUT IMPORTANT DOCUMENTS THAT YOU NEED TO KEEP

The legal team has asked us to remind you that you need to preserve your documents, and make sure your records are complete.

Below is a list of some of the documents you should keep:

1. Maps showing the size and location of orchards.
2. Documents relating to the lease / purchase of any orchards from 2008 to date.
3. Documents relating to the sale of any orchards in the period since the incursion.
4. Insurance arrangements in relation to orchard operations / vines from 2007 to the date of infection.
5. End of season summaries prepared by your post-harvest operator from 2007 to date.
6. Any other documents showing the effect of PSA on your orchard gate returns.
7. Documents (e.g. accounts, ledger reports and invoices) relating to:
  - a. The cost of removing and disposing of vines;
  - b. The purchase of any new licenses after the incursion (e.g. Gs, G14, Kiwberry)
  - c. The cost of grafting any new varieties after the incursion;
  - d. Spraying costs and other costs associated with managing the effects of PSA;
  - e. Changes to rent paid or received in respect of an orchard as a result of PSA;
  - f. Any increased financing costs incurred as a result of PSA; and
  - g. Any other costs incurred as a result of PSA.
8. Annual financials from 2008 to date.
9. Any other documents showing the financial impact of the PSA incursion on you.
10. Electronic spray diaries for each orchard from 2008 to date.
11. Orchard management diaries from 2008 to date (if you or your orchard manager kept them).
12. Documents relating to artificial or beehive pollination from 2008 to the date of infection.
13. Orchard Management Plans under the National Pest Management Plan.
14. Documents relating to any audits Zespri or your post-harvest operator under the National Pest Management Plan.
15. Any correspondence with MPI, Zespri, KVH or your post-harvest operator in relating to PSA and managing its effects.

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).

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