



THE KIWIFRUIT CLAIM

MEDIA STATEMENT

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FOR IMMEDIATE RELEASE

ONE MONTH LEFT TO SIGN UP TO THE KIWIFRUIT CLAIM

With a month to go for growers to join The Kiwifruit Claim for compensation for government negligence in allowing Psa-v into New Zealand, a top legal expert says information disclosed in court papers may be the clincher for the case in favour of growers.

After being given approval recently to proceed by the High Court, and with 30% of gold growers and over 10% of green growers signed up, the Kiwifruit Claim has erected billboards in Tauranga and Te Puke along with national radio and print advertising to let growers and post-harvest operators know they can join the claim to recover damages from the Psa-V outbreak before the 9 October deadline.

This week legal expert Professor Bill Hodge said: “These guys might have the smoking gun we were looking for. The science around the importation of the anthers from China and the alleged negligence of Biosecurity NZ in letting them in may very well be that causal nexus the Claim needed to be a real financial threat to the government.

“To the extent that the plaintiffs were saying ‘We got injured by Psa-V, but we don’t know where it came from, we don’t know how long it has been here, we don’t know how it got in, and you should have stopped it,’ that’s a pretty weak and open-ended case. If they have chapter and verse of the specific entry, then they have, in my respectful view, a very strong prima facie case.”

“New Zealand and the New Zealand judiciary are very aware of the importance of environmental issues, and they are more open to entertaining claims like The Kiwifruit Claim. The government will fight this one all the way, but they look like they’re already on

the back foot. It's a very interesting test case which I hope my students will be studying over the next few years."

His comments come a week after a report signifying the importance of effective biosecurity in maintaining New Zealand's agricultural and horticultural industries. Dr Eckehard Brockhoff, principal scientist at Scion forest research institute, co-authored a review in the international peer-reviewed journal Science, concluding that a coordinated approach to biosecurity was required because of the severe consequences of failures.

All New Zealanders have an interest in our country's biosecurity practices, The Kiwifruit Claim's spokesman Matthew Hooton said.

"At least \$885 million in losses were suffered by kiwifruit growers and post-harvest operators because of biosecurity failures leading to the introduction of the Psa-v disease. We now have one of New Zealand's legal scholars saying there is a causal relationship between the government's inaction and growers' losses. While these were failures by our domestic authorities, they underline the risks faced by a small trading nation in a globalised economy if sufficient care is not exercised at the border. The Kiwifruit Claim seeks compensation for growers affected by Psa-v, but it is equally important to send a message to MPI that future avoidable breaches must be prevented."

Any other growers or post-harvest operators who wish to join the action to recover losses as a result of Psa-v have until 9 October to register with The Kiwifruit Claim, Mr Hooton said.

"There are no second chances here. Growers and post-harvest operators won't get this opportunity for compensation again, so they must sign up before 9 October to get any kind of financial reparation from the government and the biosecurity failures that led us here."

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