



THE KIWIFRUIT CLAIM

MEDIA STATEMENT

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FOR IMMEDIATE RELEASE

KIWIFRUIT CLAIM TO SEEK THIRD OF A BILLION IN DAMAGES FOR PSA-V BUT OTHER GROWERS RISK MISSING FRIDAY'S DEADLINE TO SIGN UP

The Kiwifruit Claim is likely to seek damages from the Crown of over \$334 million but there are still growers and others who may have losses of another \$400 million who risk missing Friday's final High Court-imposed deadline to take part in the class action.

As of last night, growers representing around 45% of the gold industry and 15% of the green industry at the time Psa-v struck have signed up to the claim, with an estimated \$334 million in losses.

A spokesman for The Kiwifruit Claim, Matthew Hooton, said that was around four times the minimum level of estimated damages the litigation funder, LPF, had required before going unconditional on the claim but still suggested some growers with combined losses of hundreds million dollars were still to make up their minds or complete the paperwork.

"According to the government's own Sapere report, losses from Psa-v in just the first 15 years after the initial crisis have been estimated to be a minimum of \$740 million and as much as \$885 million," Mr Hooton said.

"Those losses are more than thirty times the \$25 million the government boasts on the MPI website that it paid to compensate growers for the outbreak.

"We allege that the government was negligent when it let in a specific shipment of anthers from a Psa-ravaged part of China and we further allege that that negligence led directly to the losses claimed.

“For its part, the government denies that direct connection, denies that its decision to let in the anthers from an infected part of China was negligent and denies it owes a duty of care to growers anyway.

“We think the government has a moral and political duty to all New Zealanders to take the utmost care when protecting our country’s vital industries and unique native flora and fauna from foreign pests and diseases. We also allege officials have a parallel legal duty and should be accountable through the courts when they carry out their critical biosecurity role.”

Mr Hooton said that while the \$334 million in losses may sound a lot, the number still suggests many growers have not yet taken advantage of trying to recoup their losses at LPF’s risk. He said some growers may have been misled by initial criticism of the claim by some industry participants. Since then, however:

- the High Court in Wellington has confirmed the claim meets all of the requirements to proceed as a class action and approved the litigation funder and the funding arrangements,
- Professor Bill Hodge of the University of Auckland Law School has said the claim may have a ‘smoking gun’ in its evidence in the science around the importation of anthers from China and the alleged negligence of Biosecurity NZ in letting them in,
- the industry’s Single Point of Entry marketing system is as strong as ever and is untouched by the Trans-Pacific Partnership (TPP),
- R&D funding remains fully in place, and
- kiwifruit was one of the biggest winners from the TPP and continues to be at the forefront of the government’s trade liberalisation efforts.

“There are no second chances,” Mr Hooton said. “Growers who aren’t signed up by 5pm tomorrow can’t be part of the claim or share in any settlement or award of damages that results.”

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