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**CROWN’S BIOSECURITY NEGLIGENCE INSURER - DETAILS OF POLICY REQUIRED TO BE DISCLOSED**

It has been revealed that MPI has a significant insurance policy to cover it for negligence in performing its biosecurity role.

A ruling by the High Court is requiring the Crown to release details of its substantial liability insurance cover relating to the case being bought by kiwifruit growers against the Ministry for Primary Industries over the 2010 PSA outbreak.

Kiwifruit Claim chairman, John Cameron says that it is important to all New Zealand primary industries, not just kiwifruit, to know what insurance arrangements the Crown has for acts of negligence and biosecurity breaches - such as MPI’s decision to allow banned kiwifruit plant material which was contaminated with Psa-V disease, into New Zealand – this along with their failure to inspect at the border, led to the devastation of the kiwifruit industry.

“As plaintiffs, we believe by taking shortcuts and not following its own protocols under the Biosecurity Act, MPI were negligent and breached its duty of care to the kiwifruit industry - as a result compensation should be provided for the harm caused.

“MPI is denying all claims, however we think its reasonable to question why MPI is insured against acts of negligence if they believe they don’t owe a duty of care to the primary industries it is meant to protect.

“Traditionally in litigation well-resourced defendants with liability insurance have not had to disclose details of their cover. This places plaintiffs at a serious disadvantage when seeking to access justice through the Courts when up against well-resourced defendants who have the means to use the legal system to test the financial resolve of plaintiffs through delaying tactics.

“The High Court is requiring the Crown to disclose all its insurance details which will ensure the process of facilitating justice is transparent to all parties involved.”

Mr Cameron says that kiwifruit growers, like other primary producers, are simply not able to insure themselves against risks that are a result of this sort of negligence, yet growers’ lives and livelihoods were ripped apart by Psa and for many the impact is ongoing.

“It is also apparent that misleading statements have been made by a number of witnesses as to whether insurance is available and we are pleased the Court ruling will ensure information regarding the Crown’s insurance position will be publicly provided,” he said.

The Kiwifruit Claim represents 212 kiwifruit growers who are holding the Government and MPI to account for the significant losses suffered by growers from the Psa incursion. The growers are seeking over $376m in compensation. The High Court trial is currently being held in Wellington. MPI denies all claims, however the Kiwifruit Claimants say the negligence is obvious.

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