



THE KIWIFRUIT CLAIM

The Kiwifruit Claim

COURT UPDATE 19 AUGUST 2017

The High Court trial in Wellington to hold the Government and Ministry of Primary Industries to account for the losses suffered during the PSA incursion, has now completed its second week. Our legal team are very happy with progress and the evidence that has been presented this week.

Significantly, Kiwi Pollen owners Jill Hamlyn and Graeme Crawshaw who imported the shipment of anthers and plant material from China that is the subject of the trial, gave evidence. The Court also heard from former employees of Kiwi Pollen.

The Kiwi Pollen owners and former employees gave evidence on what happened to the shipment of anthers and plant material from Shaanxi Province in China once it was given biosecurity clearance by MAF to enter New Zealand. Kiwi Pollen's evidence establishes the multiple ways in which the infected shipment of plant material could have spread PSA, and is an important part of the trial.

The Kiwifruit Claim is very appreciative of Kiwi Pollen and its former employees who took considerable time both preparing their evidence, and coming to Wellington to support the Court process.

The Court also heard from Seeka CEO Michael Franks this week, who gave evidence on the impact of the PSA incursion on Seeka, including staff redundancies, and the difficult times the company and growers faced when Psa hit.

There remains significant media interest in the trial, and this week Michael Frank's evidence was covered by both international on-line news site Fresh Plaza, and Gerard Hutchings from Fairfax wrote an article which was published on Stuff. In addition, we issued a media release on the Kiwi Pollen evidence, and this received coverage in the NBR, Stuff as well as in leading online news sites. The links to the media coverage are below:

<https://www.stuff.co.nz/business/farming/95813105/Seeka-tells-court-of-redundancies-and-million-dollar-losses-following-Psa-disease>

<https://www.nbr.co.nz/article/kiwi-pollen-md-jill-hamlyn-says-she-was-blamed-psa-outbreak-industry-b-206627>

<http://www.stuff.co.nz/business/farming/95925085/court-hears-about-role-of-kiwifruit-pollen-in-possible-arrival-of-psa>

<http://www.sharechat.co.nz/article/8d60902b/kiwi-pollen-md-jill-hamlyn-says-she-was-blamed-for-psa-outbreak-by-industry.html>

<http://www.scoop.co.nz/stories/BU1708/S00569/how-psa-infected-pollen-spread-in-new-zealand.htm>

<http://www.voxy.co.nz/national/5/290782>

The Claim Committee would like to thank all those who have given evidence this week, and acknowledge the growers who have attended Court to show their support. Our litigation funder, LPF Group was also in Court this week to support the trial.

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:

- 21 August – Expert evidence on how PSA arrived into NZ and the spread of PSA.
- 11 September – The Crown scheduled to open its case.
- 12 September – The Crown’s witnesses give evidence and are then cross examined by our lawyers.
- 30 October – The Crown scheduled to close its case.
- 1 November- Our lawyers scheduled to 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.

The Kiwifruit Claim Committee

19 August 2017