



## THE KIWIFRUIT CLAIM

### The Kiwifruit Claim

#### COURT UPDATE 15 SEPTEMBER 2017

The High Court trial in Wellington has now completed its sixth week.

This week the Court heard evidence from two Crown witnesses. First up was former MAF/MPI staff member, Gerard Clover, who in his role with the Plant Health and Environment Laboratory, supervised the internal MAF literature review on plant pests and diseases transmitted by pollen. Gerard Clover's evidence focussed on the import health standard for nursery stock, and the internal literature review which was relied on by MAF when the first permit to import kiwifruit pollen was issued.

The Court also heard from Stephen Butcher who was the Manager of the Plant Imports and Exports Group at MPI, who oversaw the development of import requirements for plant products. His evidence covered how import standards are set in New Zealand and the factors that MPI would consider when setting an Import Health Standard.

Your legal team believe that during their cross examination they successfully highlighted deficiencies in the MAF/MPI processes for the Court to consider.

In the week ahead, we can advise that at this stage the order of witnesses is likely to be as follows:

| WEEK 7              | Monday 18 Sept   | Tuesday 19 Sept  | Wednesday 20 Sept | Thursday 21 Sept | Friday 22 Sept |
|---------------------|------------------|------------------|-------------------|------------------|----------------|
| 10.00 AM - 11.30 AM | Stephen Butcher  | Wayne Hartley    | Michael Ormsby    | Melanie Newfield | Fiona Wilmott  |
| 11.45 AM - 1.00 PM  | Michael Ormsby   | Michael Ormsby   | Michael Ormsby    | Viv Campbell     | Fiona Wilmott  |
| 2.15 PM - 3.30 PM   | Francoise Petter | Francoise Petter | Melanie Newfield  | Viv Campbell     | Fiona Wilmott  |
| 3.45 PM - 5.00 PM   | Francoise Petter | Francoise Petter | Melanie Newfield  | Viv Campbell     | [No sitting]   |

The above list timetable is a guide only, and can change. Timing will also depend on the length of cross examination of each witness.

This week Stuart McKinstry from the Claim Committee attended Court. Litigation funder LPF Group Director Phil Newland was also present. As previously advised, 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. Court begins at 10am each day, in Court room number 6. Please feel free to contact the committee if you would like to attend, to confirm witness timing.

There continues to be media interest in the Court case. This week there have been articles in both Fresh Fruit Portal (link below) and the NBR (article is attached).

[https://www.freshfruitportal.com/news/2017/09/11/nz-mpi-wrong-allow-imports-pollen-says-kiwifruit-claim-rep/?utm\\_source=Freshfruitportal.com&utm\\_campaign=646313ea76-EMAIL\\_CAMPAIGN\\_2017\\_09\\_12&utm\\_medium=email&utm\\_term=0\\_09f78bd3b2-646313ea76-39237645](https://www.freshfruitportal.com/news/2017/09/11/nz-mpi-wrong-allow-imports-pollen-says-kiwifruit-claim-rep/?utm_source=Freshfruitportal.com&utm_campaign=646313ea76-EMAIL_CAMPAIGN_2017_09_12&utm_medium=email&utm_term=0_09f78bd3b2-646313ea76-39237645)

### **TRIAL TIMETABLE GOING FORWARD**

The lawyers keep us updated on the likely timetable for the trial, and as previously advised it is expected that we will not need all 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, the remainder of the trial is expected to run as follows:

- 18 September – The Crown will continue to present its witnesses, and they will be cross examined by our lawyers.
- 30 October (potentially earlier)– The Crown closes its case.
- Late October - Our lawyers close our case, and the trial is 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](http://www.thekiwifruitclaim.org).

The Kiwifruit Claim Committee

16 September 2017