



THE KIWIFRUIT CLAIM

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COURT UPDATE 22 SEPTEMBER 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 seventh week.

A number of key witnesses presented their evidence, and our legal team are doing a great job with their cross examination, to highlight the key issues that are important to the plaintiffs' case.

This week our legal team finished cross examining Stephen Butcher, Manager of the Plant Imports and Exports Group at MAF/MPI, who oversaw the development of import requirements for plant products. The Court also heard evidence from Mike Ormsby, senior advisor in the MAF/MPI Risk Analysis Group. His evidence focused on his comments in 2006 on the internal MAF literature review of plant pathogens transmitted by pollen, MAF's formal risk analysis procedure and the November 2009 EPPO bulletin that mentioned PSA in Italy.

The Assistant Director at the EPPO Françoise Petter gave evidence via video link this week on the 2009 EPPO alert that was issued over PSA. In addition, the Court also heard from MAF/MPI staff member Melanie Newfield who gave evidence on MAF's risk assessment procedure, and Vivian Campbell who gave evidence on the procedure for issuing import permits. MPI inspector, Fiona Willmott also gave evidence this week about the border clearance procedures.

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

Monday	Giselle Edel-Singh, David Hodges, James McLaggan,
Tuesday	Steve Gilbert, David Yard
Wednesday	Shiroma Sathyapala (by AVL), David Yard
Thursday	Shiroma Sathyapala (by AVL), Barry O'Neil
Friday	Shiroma Sathyapala (by AVL), Barry O'Neil

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

This week Grant Eynon from the Claim Committee attended the court proceedings. 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.

Media continue to be interested in the Court case.

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:

- 25 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.

The Kiwifruit Claim Committee

22 September 2017