



THE KIWIFRUIT CLAIM

MEDIA STATEMENT

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FOR IMMEDIATE RELEASE

FORMER NZKGI CHAIRMAN JOINS KIWIFRUIT CLAIM COMMITTEE

All kiwifruit growers and post-harvest operators who have been adversely affected by Psa have an obligation to their families and shareholders to seriously consider signing up to The Kiwifruit Claim against the former Biosecurity NZ, prominent industry figure Grant Eynon said today.

Mr Eynon was confirmed today as the fifth member of the grower committee launching the claim.

He is a former chairman of grower representative group, New Zealand Kiwifruit Growers Incorporated (NZKGI), and is currently deputy chairman of major post-harvest operator EastPack.

“Since litigation of this nature was first considered by NZKGI, Zespri and others more than two years ago, new DNA evidence has identified that a shipment of material MAF allowed into New Zealand in June 2009 is the source of the Psa incursion,” Mr Eynon said today.

“Over the same period, the Supreme Court has also added to the clear authority that the Crown can be liable for breaching a duty of care when officials carry out statutory and regulatory roles, for example in *Spencer on Byron*.

“These and other developments mean our legal team, including Alan Galbraith QC, Matthew Dunning QC and Parker & Associates, is now strongly of the view the class action can succeed.

“In addition, our litigation funder, LPF Group Ltd, which is chaired by former Supreme Court judge Bill Wilson QC, has a policy of funding only those cases it believes to be meritorious and with a high chance of success. They will make a loss were the case not to succeed.”

In contrast, Mr Eynon said growers and post-harvest operators had nothing to lose from participating in the case, beyond their initial contributions of between \$500 and \$10,000.

“Once growers have paid initial contributions, they cannot be asked to pay any more for the proceedings. In the unlikely event the claim were ultimately unsuccessful and the Crown were awarded costs, these costs would be met by LPF,” Mr Eynon said.

“As a result of this arrangement, there is no financial risk to growers or post-harvest operators beyond the initial payments – but only growers and post-harvest operators who become part of the class action can benefit from any settlement or award of damages.

“All growers and post-harvest operators who have been adversely affected by Psa have an obligation to their families and shareholders to seriously consider being part of this claim.”

The Chairman of The Kiwifruit Claim, John Cameron, welcomed Mr Eynon to the committee.

“Very few people have as much experience in the kiwifruit industry as Grant – as a grower, a post-harvest director and as an industry leader – and he will further strengthen our committee,” Mr Cameron said.

The other foundation growers of the committee are Te Puke grower Bob Burt, Aongatete Managing Director Allan Dawson and Te Puke accountant Murray Gibson.

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