



THE KIWIFRUIT CLAIM

MEDIA STATEMENT

6 October 2015

FOR IMMEDIATE RELEASE

KIWIFRUIT CLAIM URGES ZESPRI TO BACK GROWERS AS SIGN-UP DEADLINE LOOMS

Following the landmark Trans-Pacific Partnership (TPP) signed this morning, only days before the High Court's 9 October deadline for growers to sign up to the claim against the government for its alleged negligence behind the devastating introduction of Psa-v disease into New Zealand, The Kiwifruit Claim committee says it is more important than ever that Zespri advises its members to seriously consider joining the action to seek compensation. The government's own Sapere report has estimated the losses caused by Psa-v to be at least \$885 million.

"Zespri and New Zealand Kiwifruit Growers Incorporated (NZKGI) were initially cautious about The Kiwifruit Claim when it was launched in September 2014," a spokesman for the Kiwifruit Claim, Matthew Hooton, said today.

"However, the High Court in Wellington has since confirmed the claim has a sufficiently robust foundation for it to proceed as a class action, and has approved the funder, LPF Litigation Funding Limited, and the funding documents all growers must sign to be part of the action.

"Meanwhile, legal expert Professor Bill Hodge has said that The Kiwifruit Claim may have a 'smoking gun' in our evidence, in the science around the importation of anthers from China and the alleged negligence of Biosecurity NZ in letting them in. For its part, the government maintains it does not owe a duty of care when undertaking biosecurity activity at the border, and denies any breach of duty."

Mr Hooton said Zespri and NZKGI had also suggested the industry's relationship with the government could be put at risk were kiwifruit growers to seek compensation from the government through the courts.

“However, a year later, the Single-Point of Entry (SPE) system remains strong, the government is hosting a cocktail party at parliament later this month to celebrate the kiwifruit industry, and kiwifruit is arguably being the biggest winner from Tim Groser’s landmark TPP.

“The Kiwifruit Claim and its supporters understand the importance of Zespri’s relationship with the government given the SPE, but now that 42% of gold growers have registered with the claim, as well as post-harvest operator, Seeka, and all Zespri’s initial concerns have been allayed, we would have thought it would be encouraging its growers to try to recoup some of the hundreds of millions of dollars they have lost to Psa-v because of what we allege was negligence by the government,” Mr Hooton said.

“At the very least, we would think Zespri would agree it’s important the question of the duty of care government officials owe when carrying out their biosecurity functions is resolved by the courts, especially as regional trade grows following the successful TPP negotiations, and consequently get behind the claim.

“There are no second chances for growers here, and we implore Zespri to communicate that reality to its growers.”

Growers and post-harvest operators have until 5pm Friday 9 October to sign up to The Kiwifruit Claim to recover their losses as a result of the devastating impact of Psa-v on the kiwifruit industry.

END

Inquiries: Matthew Hooton
 Exceltium Ltd
 021 766031

Vanessa Wills
Exceltium Ltd
021 2226628