



## THE KIWIFRUIT CLAIM

### The Kiwifruit Claim

COURT UPDATE 26 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 third week.

This week, the focus was on MPI's systems and processes for assessing the biosecurity risks and import requirements around pollen, and determining what is permitted to be imported into New Zealand. The Court heard evidence from former MPI staff who were involved in the decision to allow Kiwi Pollen to import pollen into the country. Our legal team did a great job of highlighting the key issues around MPI's decision making processes.

The Court also heard from Giorgio Balestra via video link from Italy, who gave evidence about the characteristics and symptoms of PSA and the transmission of PSA through pollen.

The Kiwifruit Claim is very appreciative of all those who have given evidence this week to support the Court process. Next week is our final week for presenting the plaintiffs' witnesses, before the Crown opens its defence. The early part of the week will see a continuation of MPI staff giving evidence on the processes for determining the biosecurity risks around pollen. Economist Fraser Colegrave will also give evidence this week on the importance of border protection for New Zealand.

Our legal team advise that the draft schedule for the week beginning 28 August is as follows:

Monday	Chris Baring, ( <i>MAF Plant Imports team</i> ) and Tamsin Hains, ( <i>MAF Plant Imports &amp; Standards</i> )
Tuesday	Fraser Colegrave, <i>economist</i> and Kerry Everett, ( <i>Plant &amp; Food Research</i> )
Wednesday	Kerry Everett, and potentially Sam Beckett, ( <i>epidemiologist Australia</i> )
Thursday	Sam Beckett and Wayne Hartley, ( <i>MAF Import Permits</i> )
Friday	Sam Beckett, and the Crown potentially opening its defence (or Monday 4 September)

Below is a link to the story written by Fresh Plaza, published yesterday, providing an overview of the week in court:  
<http://www.freshplaza.com/article/180414/NZ-Expert-witnesses-take-to-the-stand-in-the-Kiwifruit-Claim-hearings>

Claim Chair John Cameron was in Court this week, and members of the Committee will continue to attend the trial in Wellington and keep 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. Court begins at 10am each day. The timetable above is guide, and can change daily. Please feel free to contact the committee if you would like to attend, to confirm witness timing.

## **TRIAL TIMETABLE GOING FORWARD**

The lawyers keep us updated on the likely timetable for the trial, and 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:

- Week beginning 28 August – MPI staff, Fraser Colegrave and Sam Beckett.
- 1 September – The Crown is expected to open its case (tba).
- 4 September – The Crown opens its case and witnesses begin to give evidence. They will be cross examined by our lawyers.
- 30 October (potentially earlier)– The Crown closes its case.
- 1 November- Our lawyers 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](http://www.thekiwifruitclaim.org).

The Kiwifruit Claim Committee

26 August 2017