



THE KIWIFRUIT CLAIM

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COURT UPDATE 2 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 fourth week.

Our legal team has almost finished presenting the case for the plaintiffs. The last witness, Kerry Everett (plant pathologist) is likely to finish presenting evidence on Monday.

We are very appreciative of all the hard work and diligence that has gone into the lengthy preparations for the case by our legal team. They have done a fantastic and thorough job in presenting the facts to the Court, and highlighting the key issues that led to the PSA outbreak. We are also very appreciative of all those who have prepared and given evidence over the past four weeks.

Similar to last week, the focus this week 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 continued to hear evidence from former MPI staff who were involved in the decision to allow Kiwi Pollen to import pollen into the country. In addition, economist Fraser Colegrave, and New South Wales epidemiologist Sam Beckett, also gave evidence this week.

Early next week the Crown will open its case, and will begin to present evidence. Our lawyers will have the opportunity to cross examine the Crown's witnesses with evidence presented in the Court over the last few weeks. While we do not have precise timings for the defence witnesses, we can advise that at this stage the early order of witnesses for next week is likely to be as follows:

1. Murray Sherwin Former Director General of MAF
2. Gretchen Stanton Agricultural economist
3. Steve Butcher MPI staff (Manager of the Plant Imports and Exports Group)
4. Mike Ormsby MPI staff (Senior Advisor Risk Analysis Group)

The above list is a guide only, and can change. Timing will also depend on the length of cross examination of each witness. The defence is likely to open late Monday afternoon or Tuesday morning, and we begin hearing from witnesses after that.

Claim Chair John Cameron and Stuart McKinstry were 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, in Court room number 6. 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 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:

- 5 September – The Crown is expected to open 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.
- 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

2 September 2017