



## THE KIWIFRUIT CLAIM

### The Kiwifruit Claim

#### **COURT UPDATE 29 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, continued this week.

This week the Court heard from a number of witnesses, including evidence from MPI quarantine inspector David Hodges, who was part of the team that gave biosecurity clearance for the 2009 consignment from Shaanxi Province in China.

In addition, the Court also heard evidence from Giselle Edel-Singh, a frontline inspector at MPI who was involved in the approval process for the consignment; and Stephen Gilbert who was the director of Border Clearance Services at MPI.

The Court heard evidence from David Yard, response manager at MPI who was tasked with responding to the PSA incursion before KVH was established, and Barry O'Neil, the previous head of Biosecurity New Zealand, who gave evidence on the structure and purpose of Biosecurity New Zealand, and its approach to risk management.

Importantly, the Court heard evidence from Shiroma Sathyapala via AVL. Shiroma was a team manager in both the Risk Analysis Group and the Plant Imports Team during her time at MPI. Her evidence discussed the response to requests to import kiwifruit pollen, and the intended purpose of the CARD paper in risk analysis.

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

Monday – Barry O'Neill, Jim McLaggan, Lain Jager, Simon Limmer

Tuesday – Craig Greenlees, Simon Limmer, Tony Hawken and Heather Pearson

Wednesday – Heather Pearson and Rob Taylor

Thursday – Rob Taylor and Dr Tanner

Friday – Pam Campbell and Dr Tanner

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 Stuart McKinstry, from the Claim Committee attended the court proceedings for 1 day during Dr Sathayapala's evidence. 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:

- 2 October – 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](http://www.thekiwifruitclaim.org).

The Kiwifruit Claim Committee

29 September 2017