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**KIWIFRUIT CLAIM AGAINST THE GOVERNMENT WRAPS UP IN HIGH COURT**

The landmark case brought by the Kiwifruit Claim against the Government for the Psa-V incursion that devastated the kiwifruit industry in 2010, is now being wrapped up in the Wellington High Court after a twelve-week trial.

John Cameron, Chairman of the Kiwifruit Claim Committee representing 212 kiwifruit growers, says he has no doubt the evidence provided over the last 12 weeks strongly supports the plaintiffs’ allegations that MPI was negligent and breached its duty of care by allowing kiwifruit pollen into New Zealand.

“Biosecurity is a critical function for New Zealand, and our primary producers and economy are heavily reliant on MPI protecting our borders against known biosecurity risks such as Psa. We believe that if MPI had followed its own policies and protocols under the Biosecurity Act the Psa incursion would never have happened.

“Evidence and cross-examination presented to the Court has clearly proven that MPI knew for many years that Psa was a significant risk to the kiwifruit industry, and by allowing it into New Zealand, failed to exercise the required level of reasonable care, he said.

“MPI has now conceded that Psa spread from a single incursion, that once it was in the country there was no way it could be contained, and that many kiwifruit growers’ orchards were infected as a result of the incursion.

“Growers lives and livelihoods were ripped apart by Psa and seven years on from the incursion, the impact is still ongoing - this case has provided growers with an opportunity to hold the Government and MPI to account for their losses.

Mr Cameron added “MPI is the only agency in New Zealand with the ability to manage biosecurity risk and owed kiwifruit growers a duty of care in carrying out its responsibilities.

“As discovered during the court case, the Crown has sizeable indemnity insurance coverage against a claim such as this. We believe this strongly supports that a duty of care is owed to kiwifruit growers (and other primary industries) and shows that the Crown has very real concerns that it could be liable for its own and its employees’ negligence.

“In breaching its duty of care, MPI failed to properly consider whether kiwifruit pollen and plant material could carry Psa and undertake the required Risk Assessment when it received an application to import pollen. Further, it failed to review that assessment despite receiving notification about the outbreak of a virulent strain of Psa in Italy” said Mr Cameron.

“Significantly, in June 2009 MPI failed to inspect the consignment of banned kiwifruit plant material from Shaanxi Province in China at the border, and negligently gave biosecurity clearance for the entire shipment to enter the country. The evidence firmly established that on the balance of probabilities that consignment was the source of the devastating New Zealand outbreak of Psa.

“Proving the DNA link between China and New Zealand was a critical factor in the case and evidence provided by a number of leading experts shows that the strain of Psa from Shaanxi Province in China is by far the most likely source of the New Zealand incursion.

“This case has been significant for kiwifruit growers and other primary industries in New Zealand because it questions whether a duty of care arises in relation to MPI performing its biosecurity functions to a reasonable standard.

“Without the hard work from our legal team and the financial support provided by litigation funders, LPF Group, this case would never have been able to proceed” Mr Cameron said.

It is not known when the judge’s ruling will be handed down.

ENDS

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