

Restaurateur escapes conviction Court Reporter	2
Lamprey case adjourned;By Lea Stewart	3
OK - GP;Fleur Sullivan;Sullivan;in court;on fish;charges;By Lea Stewart	4

Restaurateur escapes conviction Court Reporter

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Restaurateur escapes conviction Court Reporter

Moeraki restaurateur Fleur Sullivan (64) was yesterday discharged without conviction on two charges of involving **lamprey**.

While Judge John Macdonald found the charges proven, he accepted there were reasons to discharge her without conviction.

Sullivan faced two charges: buying lamprey, for the purpose of sale, from an unlawful source, between January 1 and August 1 last year, and a second charge of possessing lamprey, for the purpose of sale, which had been acquired from an unlawful source.

In a written decision, Judge John Macdonald, said Sullivan, who is a licensed fish receiver, clearly had "little appreciation of her responsibilities when it came to lamprey.

"That might not be surprising. It was not a species with which she was familiar and neither was one of the fishery officers.

"However, I have to assume that as a licensed fish receiver she was aware of her obligations."

In her role as a licensed fish receiver, Sullivan could purchase fish only from commercial fishermen, licensed fish receivers, fish farmers or the operators of foreign fishing vessels.

On August 1 last year, two fisheries officers conducting a routine inspection of Sullivan's restaurant to ensure she was adhering to the conditions of her licence, found a bowl of 26 lamprey in the chiller in the restaurant kitchen.

At the district court trial last month, Sullivan said she had acquired the fish through an Invercargill acquaintance, who was a hobby fisherman.

Prosecutor Leonie Matehaere said Sullivan had breached her responsibilities as a licensed fish receiver because she purchased the fish from an unlawful source and, when questioned by fisheries officers, she told them she intended to put it on her seafood platter.

However, defence counsel Colin Withnall QC said Sullivan had acquired the fish from a friend, as a gift, while she was in her role as restaurateur.

Yesterday, Judge Macdonald said he was satisfied she received the fish in her role as a licensed fish receiver and that the charges had been proved beyond reasonable doubt.

He also agreed with Mr Withnall that the case was not a "strike" at the integrity of the fishing quota system or conservation policy because lamprey were not under quota and she had a small number of

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Lamprey case adjourned;By Lea Stewart

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A decision as to whether a restaurateur broke the law by receiving **lamprey** last year has been further adjourned until next Friday.

Fleur Sullivan (64), a licensed fish receiver, is accused of buying **lamprey**, for the purpose of sale, from an unlawful source, between January 1 and August 1 last year, and a second charge of possessing **lamprey**, for the purpose of sale, which had been acquired from an unlawful source.

Both offences are a contravention of the Fisheries Act 1992 and the charges have been laid by the Ministry of Fisheries. The offences each carry a maximum \$250,000 fine.

The case was heard before Judge John Macdonald on March 4, when he adjourned the case until yesterday.

However, in the Dunedin District Court yesterday, Judge Macdonald said he had not had the opportunity to read submissions made by defence counsel Colin Withnall QC regarding the definition of a fish receiver.

The case was adjourned until April 2.

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OK - GP;Fleur Sullivan;Sullivan;in court;on fish;charges;By Lea Stewart

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Well-known restaurateur Fleur Sullivan was in the Dunedin District Court yesterday defending two charges relating to unlawfully sourcing fish for her Moeraki restaurant.

Sullivan (64), a licensed fish receiver, is accused of buying **lamprey** for the purpose of a sale from an unlawful source, between January 1 and August 1 last year, and a second charge of possessing **lamprey** for the purpose of a sale which had been acquired from an unlawful source.

Both charges are a contravention of the Fisheries Act 1992 and have been laid by the Ministry of Fisheries. The offences each carry a maximum \$250,000 fine.

Sullivan has had several brushes with authorities over her restaurant, Fleur's Place. She is still negotiating with the Waitaki District Council over consent and compliance issues regarding additions to the restaurant.

She opened Fleur's Place in 2002, after taking a five-year break from the restaurant business.

Sullivan developed a reputation as a restaurateur after she established Olivers Restaurant in Clyde.

In her role as a licensed fish receiver, Sullivan can purchase fish only from commercial fishermen, licensed fish receivers, fish farmers or the operators of foreign fishing vessels.

On August 1 last year, two fisheries officers conducting a routine inspection of Sullivan's restaurant to ensure she was adhering to the conditions of her licence, found a bowl of 26 lamprey in the chiller in the restaurant kitchen.

The court heard that when questioned about the lamprey, Sullivan said she had acquired the fish through an Invercargill acquaintance, who was a hobby fisherman.

Sullivan in court on fish charges Prosecutor Leonie Matehaere said Sullivan had breached her responsibilities as a licensed fish receiver because she purchased the fish from an unlawful source and when questioned by fisheries officers she told them she intended to put it on her seafood platter.

However, defence counsel Colin Withnall QC said Sullivan had acquired the fish from a friend, as a gift, while she was in her role as restaurateur.

Under cross-examination, Sullivan said she intended to experiment with the fish to see if it could be part of the menu.

"I never had any intention to sell the fish. I didn't even know what it tasted like or if it was any good.

"I experiment with foods all the time. If the lamprey was good and I thought it could go on the menu, then I would have looked further into how I would get it supplied. It didn't cross my mind for a second that I was doing anything illegal."

Judge John Macdonald reserved his judgement until March 26.

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