

'Double standard'

By Cam Lucadou-Wells

I Cook Foods director Ian Cook has told an inquiry that his company was destroyed by health authorities despite "unequivocal proof" of its innocence.

ICF was shut down as part of a state health department and City of Greater Dandenong investigation into a hospital patient's death who contracted listeriosis in early 2019.

A Parliamentary inquiry has been re-opened into what it described as the company's "inappropriate" closure after evidence alleged that the patient didn't eat ICF products. It contra-

dicts testimony by senior officials at the inquiry last year, the inquiry's terms of reference notes.

"We didn't kill anybody," Mr Cook said.

"The Department of Health and Human Services knew this before they closed us. The City of Greater Dandenong were informed shortly after and yet still proceeded to charge me."

Mr Cook compared the "double standard" of a recent case of a company which provided a Meals on Wheels meal positively linked to the death of an elderly man.

The business was recently contacted the council's environmental health officer and said the case was closed with no further action.

"Good people who were directly involved... reached out to me and shared this evidence because they saw the lies being told about I Cook Foods and they couldn't stand it.

"Now the business did actually provide a meal to the elderly man that contained listeria mono.

"My business has never contributed to the death of anyone."

Mr Cook said ICF was treated differently because it was a commercial rival of Community Chef, a caterer co-funded by the health department and several councils including Greater Dandenong.

"How can a council be allowed to regulate a commercial rival? As I have said before it would be like giving Hungry Jacks the power to close down McDonald's and take all their customers."

Community Chef were "going broke" and were "advantaged" by getting ICF "out of the way", he said.

Mr Cook said four police investigations in the past two years had failed to lay charges for the "most serious crimes on our statutes" on those behind the closure.

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Pl. 31st August 2021. True

Slug picture 'doctored'

By Cam Lucadou-Wells

A whistle-blower witnessed Greater Dandenong officers 'doctoring' a photo of a slug as they prepared charges against I Cook Foods, a Parliamentary inquiry has heard on 25 August.

Former Greater Dandenong food inspector Kim Rogerson was asked if Greater Dandenong officers planted the slug – which was photographed on the ICF kitchen floor during an inspection in February 2019.

"Yes," she said.

Days later, ICF was closed by health authorities as part of an investigation into a hospital patient's death.

The inquiry is examining ICF's "inappropriate" closure, after evidence emerged that the patient did not eat ICF products.

Ms Rogerson told the inquiry she was "horrified" that environmental health officer Elizabeth Garlick and co-ordinator Leanne Johnson, allegedly, changed and doctored photos and body cam footage.

In an excerpt of her statement to Victoria Police, she described the pair speaking softly in apparently "sneaky" and "suspicious" fashion as they prepared a prosecution brief against ICF.

On Ms Garlick's computer screen was an image of a slug and tissue paper on a floor taken during the inspection.

A red circle encompassed the tissue, as if it was to be edited, Ms Rogerson said.

Ms Johnson allegedly told Ms Rogerson they were "just cleaning up and removing personal conversations".

The final photograph submitted did not have tissue paper.

It was part of an "over the top" and "unfair" targeting of ICF, Ms Rogerson said.

"It was as if they were given directions to follow."

She said she knew Ms Garlick would delib-



A picture of the slug as submitted by City of Greater Dandenong to the Parliamentary inquiry into I Cook Foods' closure.

erately take "close-up" photos and "blow them up" to misrepresent the condition of ICF's kitchen.

Photos of broken equipment about to be thrown-out such as knives and whisks were also used to create a charge.

This was "standard criminal behaviour that I was exposed to", she said.

Alleged "pooling of water" was photographed during a wash-down of the kitchen floor.

Ms Garlick and Ms Johnson's actions were "central" to the "alleged crimes" by ICF.

All 96 charges were eventually dropped by the council, as ICF alleged the council's evidence was fabricated.

The council has argued it dropped the charges to avoid a potential \$1.2 million legal bill.

Ms Rogerson said the council "turned" on her when she refused to help it "illegally frame" ICF.

She said the then planning and compliance manager Greg Spicer asked her to "lie" in her sworn statement "designed to destroy the Cooks".

Her statement alludes to an alleged prior

meeting and conversation with ICF's Ben Cook that never happened, she said.

She signed the statement contributed to by "others" out of fear of being sacked. She was asked to rewrite sections allegedly written by Mr Spicer into her own words.

Ms Rogerson said she was shocked by some of the "lies" told by her former colleagues and superiors in the first round of the inquiry in 2020.

Some of the "lies" were "designed to smear me" and "cover up their crimes", she told the inquiry.

"After they destroyed my career and big parts of my life, they then come into Parliament and did everything to destroy my good name."

Ms Rogerson said she only now, two years after the event, she felt safe to say that the council "operates under a culture of corruption and bullying".

During her earlier evidence to the inquiry in 2020, she was "scared" to describe all she knew.

For several years, Ms Rogerson had been inspecting the factory. She'd collected the first listeria samples and swabbing of surfaces on 1 February as part of the patient-death investigation.

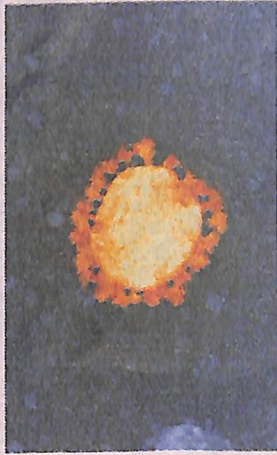
She was on leave during Ms Johnson and Ms Garlick's inspection.

Ms Rogerson has been in a protracted Work Cover claim, which she says the council has been opposing for the past two years.

Greater Dandenong officers Ms Garlick, Leanne Johnson and chief executive John Bennie are expected to re-appear at the inquiry on 1 September.

A council spokesperson said: "Council vehemently denies what is alleged, and looks forward to being able to refute that allegation when it presents to the Parliamentary Committee next week."

Hospital listed as concern



Tuesday 17 August 11.30am-11.50am, and a milk bar at 48 Beau Vorno Avenue Keysborough on Thursday 19 August 2.40pm-3pm.

A construction site at Waverly Gardens shopping centre, Police Road Mulgrave was also listed for Tuesday 17 August 8.30am-4pm. Tier 1 contacts at the site were to be contacted directly by the Department of Health.

Others are Woolworths at The Village, Princes Highway Dandenong South on Sunday 15 August 2.45pm-3.15pm and IKEA Springvale on the same day between 4.10pm-4.35pm.

A case also attended Miele Clearance Centre in Atlantic Drive Keysborough on Thursday 5 August 10.02am-10.47am.

The list also includes 7-Eleven Sandown at 585 Princes Highway Noble Park on Tuesday 10 August 6.50am-7.10am, Dandenong Superclinic and Terry White Chemmart, 56-58 Stud Road, Dandenong on Thursday 12 August 9pm-10.20pm, Princes Pizza & Kebab, 4/26 Princes Highway Dandenong on Thursday 12 August 10.15pm-10.45pm, Chemist Warehouse at 2/30 Princes Highway Dandenong on Friday 13 August 12.15pm-1.15pm and Colombo Impex at 3 Clow Street Dandenong on Friday 13 August 7.15pm-8pm.

Those who visited Tier 2 sites at these times are being advised to urgently get Covid-tested and to quarantine until they obtain a negative result.

The updated list of exposure sites in Victoria is at coronavirus.vic.gov.au/exposure-sites

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Patient's diet not I Cook's

By Cam Lucadou-Wells

Commercial caterer I Cook Foods was forced to shut down hours before a Knox Council health inspector reported evidence that it was likely in the clear, an inquiry has heard.

In early 2019, the Dandenong South factory was shut for a month by health authorities as part of an investigation into the death of an elderly Knox Private Hospital patient with suspected listeria poisoning.

Knox Council health inspector Ray Christy told the Parliamentary inquiry into ICF's closure on 25 August he reported to the state's health department that the patient hadn't eaten ICF's sandwiches.

On his inspection of the hospital on 21 February 2019, he was told the patient was likely on a "soft diet" of sandwiches without crusts prepared in the hospital's own kitchen.

Six other food suppliers contributed to the hospital-prepared meals – none of which were investigated, Mr Christy said.

Before Mr Christy filed his report, then-Acting Chief Health Officer Brett Sutton signed the closure order that day and it was served on ICF at 4am on 22 February.

About 10.30am, Mr Christy emailed his report to the health department.

Within minutes, he got a phone call from the department to double-check the patient was on a "soft diet".

"In my opinion they were dissatisfied with that answer," Mr Christy told the inquiry.

After a further inspection, Mr Christy was told the hospital was "certain" of the patient's 'soft food' diet and he confirmed this in a second report at 12.42pm.

Less than two hours later, Professor Sutton issued a public press release and fronted a press conference announcing ICF's shutdown.

An inspector for 30 years, Mr Christy said "key evidence" was missing to conclude what the source of the listeria infection was.



I Cook Foods was closed for a month despite a food inspector's report that a deceased hospital patient hadn't eaten ICF sandwiches, an inquiry heard. 190890

"We'll never ever really know where she got that infection."

Key evidence included samples of the patient's food. Knox Council was called in to investigate four weeks after the patient's diagnosis – too late to collect such samples, Mr Christy said.

Other required evidence were copies of the

patient's four-day food history, which had by that time been destroyed by the hospital.

"We must be absolutely certain and proven beyond a reasonable doubt before taking serious action against a food business, (that) there's evidence to actually confirm that risk is present."

"You cannot just rely on genome sequenc-

ing of listeria monocytogenes pathogen."

There were strict policies to ensure food businesses weren't closed "willy nilly", Mr Christy said.

"You don't proceed in the process of shutting them down until you've got the complete picture."

Mr Christy said he was instructed by the health department to focus on ICF supplied sandwiches but not other possible foods eaten at the hospital.

Yet, listeria could also be found in soft cheeses, salad mix and vegetables, he said.

"If the patient ate other foods other than sandwiches, why wasn't I asked to focus on those food suppliers?"

At the inquiry hearings in 2020, Professor Sutton claimed I Cook Foods was the hospital's "sole caterer". He didn't refer the inquiry to Mr Christy's contrary findings.

The department had interviewed the patient's next-of-kin and treating doctor to obtain the patient's food history, he said.

"These interviews revealed that whilst in hospital the patient only consumed food from the hospital, with all food provided by Knox Private Hospital's sole caterer, I Cook Foods."

"I had good information that the patient had consumed food supplied by I Cook Foods during her incubation period—so the period from potential consumption of food until becoming unwell—and that I Cook Foods was the only premises where listeria was detected."

Prof Sutton said "no one single piece of information was used in isolation" in his decision to close ICF.

"Rather, it was the collective picture of public health risk that I believed I Cook Foods' continuing food production represented."

Prof Sutton is expected to re-appear at the inquiry on 1 September.

Council and CHO to front

Health department and City of Greater Dandenong figures will front the re-opened inquiry into I Cook Foods' closure on Wednesday 1 September.

The inquiry – also known as 'slug gate' – is re-examining the "inappropriate" closure of the Dandenong South commercial kitchen in early February.

Among the witness list is Chief Health

Officer Brett Sutton, who signed the closure order. Also appearing from the Department of Health are Deputy Chief Health Officer Angie Bone, Paul Goldsmith, Pauline Maloney and Sally Atkinson.

City of Greater Dandenong chief executive John Bennie, the council's environmental health officer Elizabeth Garlick and its public health coordinator Leanne Johnson will also appear.

Closure 'double standard'

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"Now thanks to the intervention of Chief Commissioner Shane Patton, the investigation ... has reopened. I need to believe VicPol will now focus only on the police work and leave the politics to others."

The Government was running a "protection racket" for Chief Health Officer Brett Sutton, who issued the "unlawful" closure order.

Professor Sutton told a press conference he was acting out of an "abundance of caution" to protect elderly people at risk, Mr Cook noted.

"Through all of this, I have been forced to watch Dr Brett Sutton, a man who I maintain lied and destroyed my business and who Detective Ash Penry calls a person of interest in serious crimes, being given unfettered powers to lock up 6.4 million Victorians."

"I strongly believe this Government is running a protection racket for Dr Sutton. This needs to stop regardless of the pandemic."

He refuted council and health department evidence at the inquiry in 2020 – or what he called "provable lies" that had become "more stark and easier to prove".

"That day was one of the most difficult times of my life as I had to listen to the misrepresentations and what clearly seemed to me to be lies from people in positions of trust that we should be able to rely on and respect."

"I could not stop thinking of the 41 jobs that were deliberately destroyed along with my business."

"Those jobs belonged to incredibly good people who didn't deserve to have their lives and their families' lives destroyed by corruption."

He rejected the council's claims of defects at his factory, which became the basis of 96 "fabricated" food-safety charges that were ultimately dropped by the council.

They included the allegedly planted slug on the floor, and water pooling observed while staff were washing the floor.

At the inquiry in 2020, Greater Dandenong Council tabled a "misleading" list of ICF "non-compliances" in previous years, such as a stone being found in rice provided by a supplier, Mr Cook said.

ICF has launched a \$50 million lawsuit against the council and health department for the closure.

"We're strong. We're not going away. This is not just about myself, my family, my employees any more. This is about democracy in Victoria."

"Someone needs to hold Daniel Andrews and his government to account."

Mr Cook requested an opportunity to address the council and department's evidence to the inquiry on 1 September in case "other falsehoods" were made.

A council spokesperson said: "Council vehemently denies what is alleged, and looks forward to being able to refute that allegation when it presents to the Parliamentary Committee next week."

DOMESTIC ANIMAL MANAGEMENT PLAN 2021-2025

In accordance with Section 68A of the Domestic Animals Act 1994, the City of Greater Dandenong is required to produce a Domestic Animal Management Plan for 2021-2025.

The Draft plan can now be viewed on Council's website, and comments can be made at:

www.greaterdandenong.vic.gov.au

Closing date for comments is 5pm, 20 September 2021.

