

Closure 'unfair'

P.
11th Aug 2020
JOURNAL

By Cam Lucadou-Wells

The forced shutdown of Dandenong South commercial kitchen I Cook Foods was "valid but not fair", a Parliamentary inquiry report has found.

Fiona Patten, who chaired the Legislative Council committee's eight-week investigation, tabled a report critical of Greater Dandenong Council's role and the state's "outdated" Food Act. I Cook Foods had been closed during a Department of Health and Human Services investigation into the death of a listeria-infected 86-year-old hospital patient in early 2019.

By the time it re-opened six weeks later, the business was destroyed. Forty-one employees lost their jobs. Since then, the business has rejected the grounds of its closure, alleging a council inspector of planting a slug on the factory floor. It has sought compensation in the Supreme Court.

"The closure order issued to that family business that had been operating for nigh on 30 years was valid but was not fair," Ms Patten told Parliament on 4 August.

* "The processes that led to that closure were unfair and ... the processes used by the City of Greater Dandenong were inconsistent and completely inadequate.

* "Frankly, they were not up to the job of regulating the food industry in Dandenong."

The report found "evidence of inconsistent reporting practices, fluctuation in inspection procedures, inadequate processes, inadequate adherence to the processes in place and poor communication by the City of Greater Dandenong".

"The Committee believes that I Cook Foods was neither served well by the City of Greater Dandenong nor the food safety regulatory framework."

The Department of Health and Human Services - which signed the closure order as part

of its investigation into a listeria infection - was also at fault.

It had failed in its role to "protect us". Its food regulations were "old" and "not fit-for-purpose", Ms Patten said.

Liberal MP Wendy Lovell said the inquiry didn't have the ability to investigate the alleged motives behind closing I Cook Foods nor the alleged planting of evidence.

Greater Dandenong Council was "inept" in dealing with food safety issues, Ms Lovell said.

"The thing that I have found so amazing is, even now, all of these months later, their inability to see fault in themselves, their inability to have any empathy for the people of I Cook Foods and what it has done to that family and to their business."

Liberal MP Matthew Bach noted the "informal" and "slap-dash" manner that the DHHS was "drip-fed" information from Greater Dandenong Council food safety officers prior to the shutdown.

He said there was "significant evidence" backing the closure order.

"Nonetheless there needed to be a proper, formal process in place to make sure that that decision could be properly made, and that was not the case on this occasion."

In a minority report, opposition MPs noted that Community Chef, funded by both the State Government and City of Greater Dandenong, was in "parlous" financial shape.

A DHHS-commissioned report in 2018 recommended "additional substantial support" for Community Chef.

"This is important as witnesses before the committee claimed that one of the reasons for the closure of ICF was to enable Community Chef to take a greater share of the market in which they both operated," the minority report stated.

It called for a further investigation of the Community Chef issues.