

Council denies any I Cook 'tampering'

By Cam Lucadou-Wells

Greater Dandenong Council has denied committing a "cover up" by fighting against the supply of complete footage from food inspectors' body cameras to I Cook Foods.

Through an FOI request, ICF's general manager Ben Cook gained access to the footage taken just before and after its forced shutdown in February 2019.

About 10 hours after the shutdown, the footage shows a health department officer telling other inspectors of "potentially lifting the closure order".

"So is there any other questions around that or any other concerns around that?" she asks a group of inspectors in the factory.

At that point, audio is lost for the next two minutes. ICF alleges there is also 10 minutes of missing video of the inspector's visit.

Mr Cook successfully appealed to the Office of the Victorian Information Commissioner for the council to supply the complete footage.

In response, Greater Dandenong has launched a VCAT appeal to fight against the OVIC's decision.

ICF says the footage is a key part of its \$50 million lawsuit against the council and the Department of Health over its forced shutdown in February 2019.

"If there was nothing in the footage, why are they fighting it?" Mr Cook said.

"I think they're stalling to send us broke in the hope that we go away. We're not going anywhere."

Greater Dandenong chief executive John Bennie said the council released "an extensive amount of body cam footage ... with only a small amount withheld".

"Council received legal advice that this footage could be excluded in order to appropriately protect the privacy of individuals and their deliberations and opinions when discussing matters pertaining to their Council duties including matters discussed in confidence.

"It should be noted that Council is unable to exclude video on the grounds that it may incriminate itself."

The council was considering whether to proceed with the VCAT appeal, given I Cook Foods was taking legal action that may override the FOI exclusions.

"Greater Dandenong City Council remains concerned about the considerable amount of misinformation in the public and looks forward to a fair and just trial of the facts in a court of law," Mr Bennie said.

In State Parliament on 3 March, state opposition health spokesperson Georgie Crozier called for an immediate investigation into the council's "alleged tampering of video evidence" and "alleged criminal behaviour".

Local Government Minister Shaun Leane, in response, said the issue fell outside his port-



Ben Cook, pictured throwing out Meals on Wheels food after the shutdown in early 2019. 192435
Picture: STEWART CHAMBERS

folio's responsibilities and was subject to a legal case.

"In saying that, when there is an issue in local government, I do try and make myself as aware as possible of anything that has been reported in the media or so forth, and I have endeavoured to do that with this issue."

Ms Crozier told Star Journal that if there were questions around the business's closure, the State Government should demand the video's full release in the "interests of transparency".

"If Council and others have nothing to hide then the video should be released.

"It's looking more and more like a cover up."

The 30-year-old family business had been closed by the Department of Health and Human Services as part of an investigation into the death of a listeria-infected 86-year-old hospital patient.

By the time it re-opened six weeks later, the business was destroyed. Forty-one employees lost their jobs.

The dispute has included allegations that a council officer planted a live slug during a factory inspection.

In August, a Parliamentary inquiry into the



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

matter found the ICF closure was "valid" but "not fair".

Victoria Police are also investigating the circumstances of the closure.

In 2019, Greater Dandenong Council laid 96 food-safety charges against ICF - all of which were dropped just before a hearing at Dandenong Magistrates' Court in late 2019.

The council stated it aimed to avoid a legal bill of up to \$1.2 million.