



Inspector 'didn't touch' suspect slug

By Cam Lucadou-Wells

A Greater Dandenong environmental health officer has denied planting a slug on the floor of I Cook Foods' factory days before it was shut down by health authorities.

"No, I did not," Elizabeth Garlick told a Parliamentary inquiry into the Dandenong South business's closure for more than a month after being linked to a listeriosis scare.

"I didn't really touch it.

"I observed it."

The slug comprised four of the 96 charges laid by the council and later withdrawn at Dandenong Magistrates' Court in October.

On 22 February 2019, I Cook Foods was closed by the Department of Health and Human Services over an alleged link to a listeria-related death of an elderly hospital patient.

Director Ian Cook says the closure of the 33-year-old company part of a "deliberate, targeted, commercial, political and devastating" plan.

He described Ms Garlick hunched down in a corner for 17 seconds before declaring she'd found the slug.

At the Upper House inquiry on 24 June, Ms Garlick said she took photos of the slug and surrounding "debris" - some of which I Cook Foods claims was tissue paper from Ms Garlick's pocket.

She didn't wear a body camera at the time because it was a "routine inspection", Ms Garlick told the hearing. The camera was only worn if there's "safety" concerns, she said.

She wore a body camera on her next visit to the factory after learning that the patient linked to listeria had died.

She learnt this on returning from the slug discovery later on 18 February, she told the hearing. This was two weeks after the patient died.

The slug wasn't taken into evidence, Ms Garlick said. She didn't know the species - one that the Cooks' slug expert says doesn't live in the area.

Ian Cook had told the inquiry it was improbable the nocturnal creature slithered across an ozone-sterilised floor from outside on a summer's day.

It had not even left a detectable silver trail, and had escaped the notice of his contracted pest controller the day before.

Ms Garlick told the hearing that an I Cook Foods manager told her the pest controller didn't specifically target slugs.

During the incident, Ms Garlick looked for where the slug could have come from, she told the hearing.

She noticed a gap under the nearby personnel door. She investigated the other side of the door, finding an accumulation of items and equipment, she said.

Leanne Johnson, the council's public health co-ordinator, testified that she'd never found a slug in a food premises or kitchen.

Chief executive John Bennie said an independent audit of the council health team's actions found no issues "of note".



Ian Cook and Ben Cook, with photographs of the slug.

'History of issues'

By Cam Lucadou-Wells

I Cook Foods had alleged long-standing hygiene issues, including past cases of listeria and no listeria management plan, according to Greater Dandenong Council.

But the company had never been prosecuted until being served 96 charges relating to four days of inspections in February 2019, a Parliamentary inquiry has heard.

Greater Dandenong Council tabled a list of "non-compliances" that required clean-ups and corrective action in 2016, 2017 and 2018. This included the company relaying the floor in 2017.

Legal and social issues committee member and Liberal MP Wendy Lovell posed why the ongoing alleged issues including pooling of water - a significant listeria risk - and flaws with the set-up hadn't led to I Cook Foods' closure earlier.

"All of a sudden all of these charges are laid."

Harriet Shing, David Limbrick and Matthew Bach followed similar lines of enquiry.

The 96 charges - subsequently dropped by the council - were laid after Leanne Johnson and Elizabeth Garlick made their first visits to the plant.

"My inspection related to listeriosis and what was being found at the time," Ms Johnson said.

"We had a risk to public health."

On 18 February, poor food handling and processes were observed by Inspector Garlick.

The defects included inadequate staff training in food handling, washing down from high-pressure hoses near where food was being prepared, unclean equipment not properly cleaned and a slug on the floor.

Two days later, Inspector Garlick found the requested "deep" clean-up was not satisfactory.

Ms Johnson also visited that day and found "significant" non-compliances, cross-contamination risks and poor hygiene practices.

She listed ovens outside the kitchen in the open-air, plastic bread crates being washed in the bin wash area, residue in the meat slicer, dishwashing near the food preparation area, and pooling of water.

For several years, food health inspector and whistleblower Kim Rogerson had been inspecting the factory. She'd collected the first listeria samples and swabbing of surfaces on 1 February.

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

Ms Rogerson had told the inquiry that I Cook Foods' closure was "over-the top" and "highly irregular", accusing the council of being "intent on destroying" I Cook Foods.

Ms Johnson did not agree with Ms Rogerson's evidence that I Cook Foods was a "professional operation".

Though large and successful, the business had several non-compliances with the Food Act, Ms Johnson said.

After the closures, Ms Rogerson said that she'd previously raised with I Cook Foods about it outgrowing its site, the need for segregation of areas and the pooling of water, Ms Johnson told the hearing.

Ms Johnson said past issues had led to the factory's flooring being relaid in 2017.

There was also a "history" of listeria - two cases including a case picked up by Boroondara Council sampling. On that occasion, Ms Rogerson directed I Cook Foods to clean the factory.

The difference in the most recent case was that a person had tested positive to listeria, Ms Johnson said.

I Cook Foods has stated that the listeria levels found in sandwich samples were well within food standards.

But Ms Johnson said no level was acceptable. The food was potentially hazardous given I Cook Foods' vulnerable clientele, including aged care, Meals on Wheels and hospital patients.

Council 'balked' at \$1.2 million legal bill

By Cam Lucadou-Wells

Greater Dandenong Council abandoned all 96 charges against Dandenong South factory I Cook Foods and director Ian Cook only to avoid legal costs of up to \$1.2 million, a Parliamentary inquiry heard.

Despite dropping the case, the council's city planning director Jody Bosman told the Upper House inquiry into I Cook Foods' closure that the prosecution was not "without foundation" or "doubtful of success".

The charges related to numerous breaches of the Food Act such as uncleanliness, food residue and a slug found on the factory floor.

They arose during inspections of I Cook Foods in February, triggered by an investigation into a patient with listeriosis.

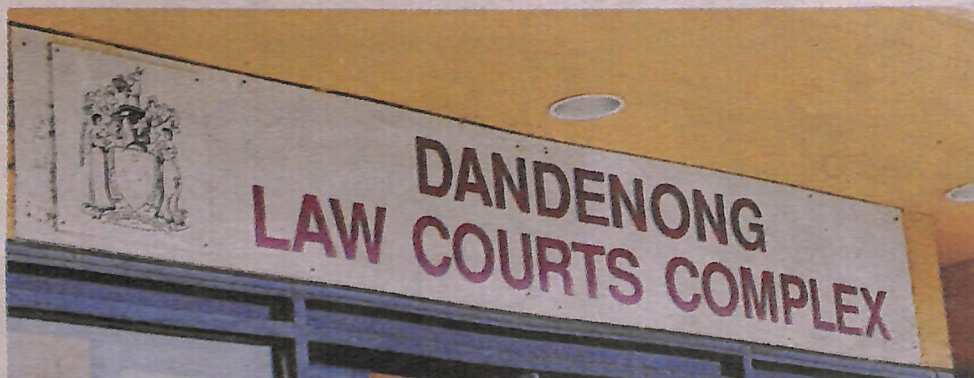
Mr Bosman said he initially approved the charges due their seriousness and the risk posed to public safety at the time.

However on 3 October 2019, he received a call from the council's barrister at Dandenong Magistrates' Court.

I Cook Foods was contesting all charges, indicating it would exhaust every avenue of appeal, Mr Bosman said.

The council's barrister said the council could settle to drop all charges and both parties "walk away on a non-disparaging basis" bearing their own legal costs to that point.

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During that five-minute phone call, Mr Bosman decided not to pursue the case. The main factor was the legal cost to ratepayers, he said.

It should not be seen as "vindication" of I Cook Foods' position, Mr Bosman told the inquiry.

The charges did not relate to the patient's alleged listeriosis-related death, Mr Bosman said.

That infection was the basis for the Department of Health and Human Services closing I Cook Foods for more than a month in February 2019.

I Cook Foods argues the closure was wrongful and motivated to protect a failing business

Community Chef, part-owned by Greater Dandenong Council and significantly financed by the DHHS.

The shut-down by "my competitor" effectively destroyed the 33-year-old business and costing 41 workers their jobs, Mr Cook says.

Deputy Chief Health Officer Angie Bone was asked by the inquiry's chair Fiona Patten if she was surprised that all charges were dropped.

"I was to be honest that all charges were dropped," Ms Bone replied.

"As we were not the direct regulator, we can't take the action ourselves. We didn't know that (City of Greater Dandenong) was dropping the charges until that point."