

I Cook reset

By Cam Lucadou-Wells

I Cook Foods has accused Greater Dandenong Council of stymying the commercial catering company's reopening.

ICF had been set to apply for an injunction against the council at Dandenong Magistrates' Court on 9 December. The matter was settled out of court the day before.

It comes as the Dandenong South kitchen continues to press for a Supreme Court lawsuit over its shutdown by health authorities in February 2019, including claims of a live slug being planted during an inspection.

The kitchen has been closed since that date.

ICF director Ian Cook said Greater Dandenong had "backed down" on 8 December after "illegally" refusing production to restart for three months.

It was part of a "sick vendetta against myself and my 41 workers", he said.

The standoff involved the council insisting ICF's food supervisors attain accreditation that is applicable to hospital kitchens, not commercial caterers, ICF director Ian Cook says.

"The Food Act makes it clear Council had no right to do this.

"We are already qualified and have been for decades. It was just a way for Council to stop us from starting production again."

Greater Dandenong denied it had suspended ICF's registration or refused permission for it to operate at the premises "at any time".

"Council has not - at any stage - refused permission for I Cook Foods to re-open their business in the past few weeks," Greater Dandenong chief executive John Bennie said.

"The settlement also included confirmation that Council had not suspended I Cook Food's registration."

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.

In August, a Parliamentary inquiry into the 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.

"This is the second time Council has wasted thousands of ratepayers dollars trying to destroy us, only to pull the pin on the steps of the court," Mr Cook said.

"Clearly Council knows its evidence will be ripped apart if it was ever scrutinised by a judge.

"I'm a ratepayer in Dandenong so in effect Council is using my own money to try and destroy my business."

Mr Bennie said the council sought to settle the proceeding and avoided further legal costs.

"Council was strongly of the view that had it continued, I Cook's action would fail and has acted successfully and in good faith to avoid unnecessary legal expenses for both parties.

"Council defended the proceeding and ultimately it was settled by consent of both parties."

The Journal understands council spent \$5500 on legal costs on the latest stoush. Had it gone to trial, it estimated its legal bill would swell by about \$70,000.

In the settlement, both sides will bear their own legal costs.

Meanwhile, Mr Cook expects to reopen production in early 2021.