

3/ P3 JOURNAL 18th Aug 2020

New claim in I Cook saga

By Cam Lucadou-Wells

Greater Dandenong Council has denied “many of the assertions” in an incendiary letter from I Cook Foods accusing the council of misleading a Parliamentary inquiry.

At the recent hearings into the closure of ICF, the council listed a “history” of 13 food-safety complaints against the Dandenong South catering business since 2016.

But in a letter to council CEO John Bennie, Mr Cook has demanded a correction of the “misleading and dishonest” claims.

Mr Cook stated the council had omitted significant exonerating evidence that explained why ICF had never been prosecuted.

The incidents listed include a Kingston Council complaint of a fragment of glass being allegedly found in ICF-made soup.

Upon investigation it was found the glass may have come from a domestic container, and there was no evidence it originated from the soup, Mr Cook said.

Similarly, ICF was cleared of responsibility for complaints such as a stone found in jasmine rice, a bread clip in a pre-packaged food item and a foreign object in a lamington, he wrote.

Mixed sandwiches in 2017, as well as Asian noodles with egg garnish and a sample of baked fish and fennel sauce in 2018 tested positive to listeria.

But the council omitted to add that the listeria growth was within safe legislated limits, Mr Cook said.

In response, Mr Bennie stated that the council “disagrees with many of the assertions” made by Mr Cook.

“Given that Mr Cook has provided ongoing commentary in respect to future litigation against Council, we are unable to comment further.

“We encourage any further correspondence on the matter through Council’s legal representatives.”

ICF was closed for more than a month in early 2019 as part of an investigation into a hospital patient’s death.

The business was effectively destroyed, with 41 employees losing their jobs.

The inquiry found ICF’s forced closure was valid but the business was “not properly dealt with by the City of Greater Dandenong”.

Mr Bennie said the “council maintains that it treated I Cook Foods in a fair and consistent manner throughout”.

Mr Cook says he is not “rolling away” from two Supreme Court actions over what he says was the “illegal” closure and destruction of his 34-year-old family business.

ICF has also submitted a brief of evidence to Victoria Police to investigate alleged corruption.

NEWS P3 11th August 2020 Journal

No finding on slug

By Cam Lucadou-Wells

A Parliamentary inquiry has been unable to conclude whether or not a slug was planted by a council inspector in I Cook Foods' Dandenong South kitchen.

The upper house's Legal and Social Issues Committee stated it was not "in a position nor equipped with the necessary expertise" to decide the "serious allegation" - also labelled as 'slug-gate'.

It left the matter to Victoria Police - which is currently undertaking an "investigation assessment" of ICF's "substantial brief of evidence".

At the hearings, council environmental health officer Elizabeth Garlick was asked if she planted the slug.

"No, I did not," she told the committee.

Days after her inspection, I Cook Foods was closed by then-Acting Chief Health Officer Brett Sutton as part of a health department investigation into the death of a hospital patient with listeria in early 2019.

ICF director Ian Cook alleged that Ms Garlick planted the slug while hunched for 17 seconds in a corner of the factory.

A pest controller had found no evidence of slug activity days earlier. Nor had staff that crossed the area 64 times on the same day, Mr Cook told the inquiry.

The pest controller returned afterwards finding "no credibility" to claims that the slug slithered into that location "unassisted", Mr Cook said.



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

A slug expert commissioned by ICF found that slug species didn't live in the area and was nocturnal.

"It should have been asleep at the time it was meant to be crawling into my factory," Mr Cook said.

The slug evidence formed four of 96 food-safety charges against Mr Cook and ICF. All 96 charges were later withdrawn by the council at Dandenong Magistrates' Court.

Greater Dandenong, which had spent \$56,000 on the case, claims it dropped the matter to avoid a legal bill of up to \$1.2 million.

ICF had since delivered a "substantial brief of evidence" on its closure to Victoria Police, the inquiry noted.

"The Committee trusts that this and other matters will be pursued by Victoria Police as part of their usual processes."

Treatment was 'fair and consistent'

By Cam Lucadou-Wells

Despite damning criticism, Greater Dandenong Council says it treated I Cook Foods in a "fair and consistent manner".

A State Parliamentary inquiry found the commercial caterer's forced closure for more than a month in 2019 was valid but the business was "not properly dealt with by the City of Greater Dandenong".

"I Cook Foods was not subject to a sound and proper process, or fair and consistent treatment," the upper house Legal and Social Issues Committee stated.

There was "minimal evidence" that the council tried to work "meaningfully" with I Cook Foods to address the issues "purportedly first identified during the inspections conducted in February 2019".

"The escalation of matters to the point of pressing charges against I Cook Foods and Ian Cook seems to be inconsistent with the 'typical process'."

In a statement, Greater Dandenong CEO John Bennie said the "council maintains that it treated I Cook Foods in a fair and consistent manner throughout".

Mr Bennie said the "abrupt" escalation in the council's dealings with I Cook Foods "reflects the intense investigation DHHS required Council to carry out on its behalf in response to the listeria occurrence and subsequent death of a member of the public".

"Various matters of concern were discovered during Council's series of inspections, some of which the company had taken steps to rectify and satisfied Council at the time."

The inquiry report recommended that Greater Dandenong implement all advice from an internal audit into its regulation of ICF.

The council had initially resisted handing over the Maddocks lawyers' audit, which found a lack of "detailed, coherent" inspection records and a need to review food premises classifications.

"Despite the evidence from the City of Greater Dandenong that there were, variously, no issues (identified in the audit), or that the Council had taken appropriate steps to rectify issues where they had been identified, this Inquiry and the audit report suggest that this is not the case."

Mr Bennie said "identified areas of concern have already been, or are being, addressed by council" from the "multi-stage audit process".

He defended the council's "excellent record of effective food safety regulation on behalf of the community".

"Nevertheless, episodes like this will always spark a process of review and learning, and that is well underway."

"Council is now better equipped to respond to complaints and take earlier enforcement action against those with a poor track record."

I Cook owner denies listeria 'history'

By Cam Lucadou-Wells

I Cook Foods owner Ian Cook has accused Greater Dandenong Council of "profoundly misleading" a Parliamentary inquiry into his business's forced closure.

At the inquiry hearings, the council had listed a "history" of food-safety complaints and ongoing listeria-related concerns against ICF.

But Mr Cook said the council had omitted significant exonerating evidence that explained why ICF had never been prosecuted.

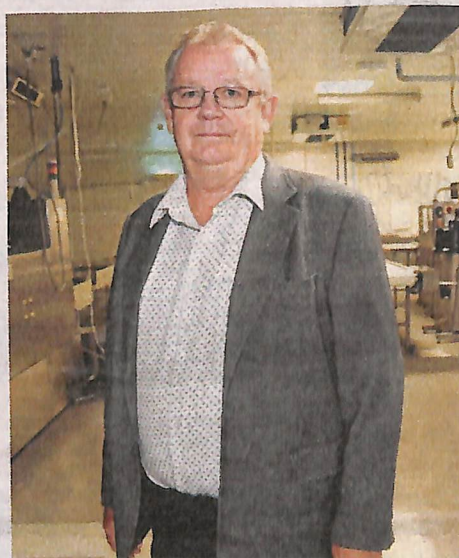
In a letter on 7 August, Mr Cook has demanded that Greater Dandenong chief executive John Bennie 'corrects the record'.

A Greater Dandenong Council spokesperson told the Star Journal that the council was reviewing the letter.

Mr Cook says he is not "rolling away" from two Supreme Court actions over what he says was the "illegal" closure and destruction of his 34-year-old family business.

He was undeterred by the inquiry report finding the closure was "valid" but "not fair".

The report noted "extensive evidence" provided to DHHS by Greater Dandenong Council of "long-standing" food-safety issues at the commercial caterer's kitchen.



Ian Cook in his company's dormant commercial kitchen in Dandenong South.

202497

Picture: STEWART CHAMBERS

Mr Cook said the issues including problems with the floor, a large oven's placement, configurations of walkways, rusted or damaged equipment, and deficiencies in ICF's

food safety plan were based on "blatant lies".

He was "not absolutely unhappy" with the Labor-majority committee's "politically based" findings, he said.

The report appeared to throw all blame onto the council while shielding the State Government - namely the Department of Health and Human Services and Chief Health Officer Brett Sutton, he said.

ICF is pursuing Supreme Court action against an independent auditor for alleged collusion with the DHHS.

It alleges that the auditor's purportedly-independent draft report was significantly altered after being reviewed by the DHHS.

After revisions, the report found I Cook Food was non-compliant with food-safety requirements - but sheeted blame on past external auditors.

"I believe that I Cook Foods Pty Ltd have done what they thought was legally required, and have not deliberately tried to short cut their legal responsibilities."

In a separate Supreme Court action, ICF is suing the DHHS for a claim of up to \$48 million damages.

It has also submitted a brief of evidence to Victoria Police to investigate alleged corruption.