

'See you in court'

By Cam Lucadou-Wells

Commercial caterer iCook Foods is set to pursue a multi-million-dollar lawsuit after Greater Dandenong Council sensationally dropped all 96 food safety charges levelled against the company.

Its executive director Ian Cook says the Dandenong South company was wrongfully ruined when it was shut down by authorities for 36 days and blamed for the listeria-related death of an elderly hospital patient in February.

He and the business are now pursuing a Supreme Court lawsuit of at least \$26 million against the council and the Department of Health and Human Services.

At a short hearing at Dandenong Magistrates' Court on 3 October, City of Greater Dandenong's barrister withdrew all charges against the company and Mr Cook.

A defence lawyer in turn withdrew Mr Cook's list of subpoenas against the council.

Among the dropped charges was an allegation that iCook Foods provided "unsuitable" vegetable satay and peanut garnish to Whitehorse Council's meals on wheels service.

Outside the courtroom, a jubilant Mr Cook shook hands with supporters. He embraced his son and general manager Ben Cook as they walked from the building.

The next day, Mr Cook said he believed the council dropped the case because it was "hid-

ing stuff in the subpoenas".

Recently, a whistle-blower and former Greater Dandenong health inspector Kim Rogerson has claimed that she was pressured to fabricate evidence against iCook Foods.

The council said it had referred the matter to anti-corruption watchdog IBAC, which in turn referred the matter to the Victorian Ombudsman for an initial review.

"Following that review the Ombudsman has determined that no further investigation is warranted." Ms Rogerson has filed an appeal against the Ombudsman's assessment, alleging a "number of errors" in the investigation.

Mr Cook said the council had at least a perceived conflict of interest in "completely destroying" his business. iCook Foods was the greatest commercial rival of Community Chef - a Meals on Wheels kitchen part-owned by Greater Dandenong, Mr Cook said.

After the court hearing, Greater Dandenong Council acting chief executive Jody Bosman said "both parties have agreed to go forward on a mutually non-disparaging basis".

iCook Foods had "invested in bringing their premises into compliance with the Food Act", Mr Bosman said.

"After discussion between the two parties and noting their compliance, Council will not be proceeding with the prosecution of this matter under the Food Act."