

Shutdown 'illegal': I Cook

By Cam Lucadou-Wells

Dandenong South commercial caterer I Cook Foods claims its forced shutdown was illegally based on a "non-existent" report by the health department.

According to the state's food act, Chief Health Officer Brett Sutton was required to be satisfied by "a report by an authorised officer" prior to issuing the closure order on 22 February 2019.

ICF director Ian Cook, who has launched a \$50 million lawsuit against the Department of Health - says the department conceded there was "no one report".

"This means the whole closure was illegal - end of story."

He says the department gave contradictory evidence to the Supreme Court of Victoria that the report had been seen by Deputy Chief Health Officer Angie Bone.

"There was no report. The report was a fraud," Mr Cook says.

For nearly a year, the Department of Health and Human Services resisted Mr Cook's requests for the report.

During a Supreme Court action, Dr Bone submitted that she had seen the "requested documents".

The court ordered the release of the report - which proved to be a two-page email by a department public health physician to Dr Bone.

During a parliamentary inquiry into the ICF closure in June, committee member and Liberal MP Matthew Bach asked health department officials for the full report.

Cr Bone told the inquiry that there was "no one report".

"The reality is in something that is very, very fast-moving and urgent, it's a number of reports that are taken collectively."

Committee member Dr Bach described the two-page email as a "summary of a report" or a "precis".

The deputy chief health officer replied: "The Food Act does not specify how that report needs to be given."

"Bearing in mind it was 1984, it probably would not have mentioned email, for example, so that is the summary answer."

The 30-year-old family business had been closed as part of a DHHS investigation into



I Cook Foods director Ian Cook claims his business was closed illegally. 202497

Picture: STEWART CHAMBERS

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.

Prof. Sutton told the inquiry he was guided by the precautionary principle to protect the health of Victorians.

"I acted to prevent the potential widespread transmission of Listeria infection to a vulnerable community of hospital patients,

Meals on Wheels recipients and residents in aged care facilities.

"If I had not closed at the time I did, there was a significant risk of many vulnerable Victorians contracting Listeria."

In August, the inquiry found the ICF closure was "valid" and in accordance with the Food Act, but "not fair".

It did not rule on whether the alleged food safety issues were "adequate to warrant 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.

Victoria Police is investigating the circumstances of the closure.

The Department of Health was contacted by Star Journal for comment.