

P5. 12th JANUARY 2021 JOURNAL

Slug-gate's lengthy trail

By Cam Lucadou-Wells

The long legal fight will drag on for Dandenong South commercial caterer I Cook Foods - perhaps for more than 12 months.

Its director Ian Cook is pressing ahead with a \$50 million lawsuit against the state's health department for ICF's "illegal" shutdown in February 2019.

It was part of an investigation into the death of a listeria-infected 86-year-old hospital patient.

Mr Cook has argued that the six-week closure was a "stitch up" that effectively destroyed his 34-year-old family business.

Forty-one employees lost their jobs.

The affair has been widely labelled as 'slug gate' due to the alleged planting of a live slug on the factory floor by a council inspector.

ICF is also suing an independent auditor - who signed off on a food-safety report into ICF - for alleged collusion with the Department of Health and Human Services.

Due to the court's backlog, the cases may not be heard until 2022, Mr Cook says.

In 2020, a Parliamentary inquiry found the closure was "valid" but "not fair".

The Upper House inquiry criticised Greater Dandenong Council for not subjecting ICF to a "sound and proper process, or fair and consistent treatment" - including the pressing of 96 charges against ICF that were eventually dropped.

Inquiry chair Fiona Patten said at the time that the DHHS was also at fault for an "outdated" Food Act that was "not fit-for-purpose".

The council's CEO John Bennie at the time told the Star Journal that ICF was treated in a "fair and consistent manner throughout".

Mr Bennie said the "abrupt" escalation in



Ian Cook expects his compensation fight to extend into 2022. 202497

Picture: STEWART CHAMBERS

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 council stated that it had dropped the 96 charges to avoid a potential legal bill of up to \$1.2 million.

The inquiry didn't make a finding on accusations of council inspectors planting evidence.

Victoria Police is investigating those claims.

Mr Cook criticised the inquiry's finding of "extensive evidence" provided to the DHHS by the council of "long-standing" food safety issues at the commercial kitchen.

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".

The Labor-majority report appeared to throw all blame onto the council while shielding the State Government - namely the DHHS

and Chief Health Officer Brett Sutton, he said.

During the past 12 months, ICF has waged further fights in the courts on the issue.

Prior to the inquiry, ICF won a Supreme Court case to obtain the state health department's withheld report for the basis for the closure.

In December 2020, ICF sought a magistrate's court injunction to halt Greater Dandenong Council's alleged stymying of ICF's reopening.

The matter was settled out of court.

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