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Mayor backs Bennie

By Cam Lucadou-Wells

Greater Dandenong mayor Jim Memeti has strongly backed the council's chief executive John Bennie, who was named in a leaked police review's report into the I Cook Foods 'slug gate' saga.

The review – first reported in Herald Sun – found that John Bennie breached the Food Act's secrecy provisions by disclosing a closure order served on ICF on 22 February 2019.

But the summary offence – punishable by a \$10,904 fine – was "now out of statute and so Victoria Police were unable to prosecute", the review stated.

The statute of limitations on summary offences is 12 months.

The revelation is the latest chapter in a three-year fight by ICF, whose family business in Dandenong South was destroyed after it says it was corruptly closed by health authorities as part of a listeria investigation.

The 'slug gate' affair has been examined by two Parliamentary inquiries and several Victoria Police investigations, with no charges laid against public officials.

Greater Dandenong laid 96 food-safety charges against ICF and director Ian Cook after the closure. All charges were later withdrawn.

ICF is suing the Department of Health and City of Greater Dandenong for compensation in the Supreme Court.

ICF general manager Ben Cook said Mr Bennie should stand down or be removed as chief executive and charged with the indictable offence of 'misconduct in public office'.

"If he's committed an offence, how can he be in charge of one of the largest councils in Australia?"

"He is in an untenable position now."

Last month, on the basis of the police review, Victoria Police announced that Mr Bennie and council environmental health officers were in the clear.

Cr Memeti stated on 16 February that the police investigations were "conclusive", their findings "absolute".

"There was no criminal conduct detected on the part of council's chief executive officer John Bennie, or any council staff member."

"There was no offence committed at all. Reports to the contrary are misleading."

"And any suggestion that prosecution of any offence was barred due to a timing issue is also wrong."

Cr Memeti sits on the council's CEO Employment and Remuneration advisory committee. He said the committee was yet to finalise either Mr Bennie's re-appointment or the recruitment of the next CEO.

Councillor Tim Dark said he gave "whole and unequivocal support" to Mr Bennie, who was entitled to the presumption of innocence.

The alleged breach was based on a report "untested in a court of law", Cr Dark said.

"Until tested and proven guilty (in court), people are innocent in my eyes."

Councillor Rhonda Garad said the alleged breach seemed "sloppy" but Mr Bennie and the council had been cleared by two Parliamentary inquiries and the police investigation.



City of Greater Dandenong chief executive John Bennie. 267435

Picture: GARY SISSONS

"So there's three clear outcomes that found the council was not culpable."

According to the police review, Mr Bennie had received information as Greater Dandenong CEO about the forced shutdown order of ICF.

The alleged breach was in then disclosing the information to a Community Chef and Regional Kitchen joint board meeting prior to it being publicly announced by then-acting Chief Health Officer Brett Sutton that afternoon.

Community Chef – which was part-owned by the council at the time – and ICF were direct competitors in providing food for Meals on

Wheels and like services.

The police review cleared two council environmental officers – who investigated ICF prior to its closure – of criminal conduct.

It identified "two contradictions" in one of the officers' 40-plus page statement – which were a "mere mistake of fact as opposed to an intent to fabricate evidence in order to pervert the course of justice".

A Victoria Police spokesperson stated on 16 February that it conducted a "thorough investigation however no criminal action was detected".

"There is absolutely no truth to the accusation that Victoria Police delayed the investigation."

No foul in board's early briefing: Inquiry

By Cam Lucadou-Wells

A Parliamentary inquiry made no finding against Mr Bennie about the disclosure of the I Cook Foods closure order at a Community Chef board meeting on 22 February 2019.

The first inquiry into ICF's closure stated that Mr Bennie made the briefing shortly after 12.45pm, just over an hour before the Acting Chief Health Officer Brett Sutton issued a public health alert.

Mr Bennie told the Parliamentary inquiry he briefed the board after ICF's closure was already in the "public domain" via an ABC broadcast, he said.

"I have a recollection that it was raised by officers of Community Chef that a news an-

nouncement had been made in relation to I Cook Foods."

He briefed the meeting because he "thought it was relevant in the context of all things we were talking about in the sector".

"I thought it was then relevant and appropriate that I indicate what I understood about the situation."

Community Chef Joe Ciccarone also told the inquiry that Mr Bennie briefed the board after the closure was "public knowledge".

However, Liberal MP Wendy Lovell told Mr Ciccarone that this information "seems to be incorrect".

At the meeting on the day of the closure, Community Chef's board decided to offer "assistance" to ICF's customers.

The arrangements were short-term, and

only to ensure vulnerable customers to go without food, Mr Ciccarone said.

The business gained a "marginal" benefit from I Cook's closure, he told the inquiry.

Out of I Cook's former customers, only one council and an aged care home became an ongoing client, Mr Ciccarone said.

The inquiry found in 2020 that Community Chef gained additional business following the closure of ICF.

But it "could not determine if this was directly due to the position held by the Chief Executive Officer (CEO) of the City of Greater Dandenong on the Community Chef Board, or any untoward behaviour by the CEO or the City of Greater Dandenong, Community Chef or the Department of Health and Human Services," the inquiry stated.