

**Material received from  
I Cook Foods Pty Limited  
for the  
Inquiry into the Closure of I Cook Foods Pty Limited**

The “Report” relied  
upon by Dr. Brett  
Sutton to close I Cook  
Foods

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Thursday, 21 February 2019 8:21 PM  
**To:** Angie Bone (DHHS)  
**Cc:** [REDACTED]  
[REDACTED] Brett Sutton (DHHS); [REDACTED]  
**Subject:** ACTION - Next Steps for Listeria-related Food Withdrawal and iCook Foods

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Angie

I thought it may be helpful to summarise where we are, what the risk is and what the next steps are at this point. I am not working on Friday 22 February, but help can be sought from PHMCD Unit and of course actions are being led through FSU.

The most important two actions on Friday morning are to ensure the Order has been served, and that an officer personally contact each service and also IGA and the final recipient service to ensure the actual lead / CEO of the service is aware of the email and ACHO advice (as they were sent tonight to the only points of contact we had, which could be out of date / incorrect / insufficiently senior people as they are the food contacts only).

#### Overall situation

As we learned last night and this morning, there are now concerns with the food safety arrangements at the manufacturer and now a clear knowledge of the widespread distribution to vulnerable groups through hospitals, councils and aged care facilities. As such, an Incident Management Team was held. The meeting determined production should cease, and food produced since 13/1/2019 be discarded and those who have consumed should be made aware to look out for symptoms and signs of listeriosis. After the meeting, we impressed on Council the importance of an Order to cease production and are hopeful that will be served very late tonight, we have written to internal stakeholders across the sector, and letters from the ACHO have gone out to the food supply record client list for the services.

#### Review of risk from the Incident Management Team

Some critical observations at the IMT were:

- The deceased case who was an 86 year old female was admitted to Knox Private on 13/1/2019, discharged and readmitted on 23/1/2019 and died on 4/2/2019 due to complications of invasive listeriosis
- The listeriosis was probably hospital-acquired, based on published data indicating the likely upper limit for invasive listeriosis presenting as meningo-encephalitis at 14 days, and exposures to a range of high risk foods for listeria, and the knowledge now of a range of positive findings of *Listeria monocytogenes* in foods produced from iCook Foods who supply Knox Private Hospital, and data showing that four of six *Listeria monocytogenes* isolates are of the same binary type as the *Listeria* isolated from the case (more details awaited - match is consistent, not confirmed)
- Sampling and swabbing of the manufacturer at iCook Foods was requested by DHHS on 31/1/2019 and enacted on 1/2/2019 and 25 samples were taken, of which DHHS was informed on 18/2/2019 that seven were positive for *Listeria* and six of those seven positive for *Listeria monocytogenes*. No environmental swabs were positive.
- Council inspections of the manufacturer indicated considerable concerns about cleaning of equipment and food safety standards at the manufacturer, and the findings were discussed at the IMT and the IMT confirmed on the basis of reported findings that there was not suitable or adequate control of the risk of *Listeria* proliferation, and there was some evidence that the manufacturer's kitchen was likely to be the point of contamination of multiple samples that were subsequently positive
- No food sampling from community exposures has been positive (foods matching those purchased and consumed in the community from supermarkets or cafes).
- There was a material risk of *Listeria* contamination of food produced at the premises from 13/1/2019 onwards to the present time, given, that there were negative findings on inspection, risks identified, positive Lm findings in a range of foods and suggestion of transmission to a vulnerable case who subsequently died, and as such, Council would be formally requested to Order cessation of production.



- The period of production risk was agreed to be from 13/1/2019 (because there was a material risk that was not controlled, samples were positive from 1/2/2019 but a person appeared to have acquired the infection from inpatient stay whilst exposed to foods likely from iCook Foods at some point from 13/1/2019 onwards)
- The public health advice would be that food produced prior to cessation of production should be discarded, and patients / persons who had consumed any food sourced from iCook Foods since 13/1/2019 should be identified and advised of a potential risk
- The name of the premises (iCook Foods) should be released if asked as it was important for transparency and to enable services to identify which food to dispose of / when to warn patients / clients / staff
- The fact there was a deceased confirmed case of listeriosis as part of this investigation should be released if required, as that was the prompt for the investigation
- Lead for IMT is via Environment Section, under ACHO and DCHO(E) with [REDACTED] chairing until close 21 February 2019

#### **Update on issuance of an Order and communication with clients of the company and internal stakeholders**

- Two emails have been sent to Council firmly requesting an Order to cease production be served, and indicating the strong recommendation that this must occur prior to first production on 22/2/2019 at 4.30am
- The Council Authorised Officer is preparing an Order to cease production, but has not guaranteed that Council CEO will issue the Order, and this may not occur until after 10pm tonight 21/2/2019
- Internal email briefing has been circulated to leads in DHHS including executives for Hospitals, Private Hospitals, HPV, SCV and aged care
- Letters have been sent around 8pm on 21 February 2019 by email to contact points for all eight Councils, ten hospitals, two aged care services

#### **Next steps and agreed actions from IMT and subsequently**

- Ensuring an Order is served and production ceases:
  - Council should finalise and serve the Order after 10pm tonight
  - In the event Council does not do that, it is hoped the CEO of Council will discuss with ACHO at that time, and then ACHO will authorise serving of a CHO Order directly on the premises before 0430AM potentially via Victoria Police (for which an Order is currently under legal review with a view to finalising)
- Checking all services have received the advice:
  - FSU to call each service and check email from ACHO received and identify CEO and ensure it has been forwarded to CEO, or resend to CEO (noting that the email containing letters from ACHO has not been sent to CEOs of any service, since that information was not available this evening - which means if the point of contact for that service as held by iCook Foods is wrong or out of date or the person is on leave, the email from DHHS will not have been received and acted on)
- FSU to identify contact and provide the ACHO advice to IGA Rowville and Gloria Jeans, who have not yet been informed
- CDPC / [REDACTED] to obtain details of the patient profile of Knox Private Hospital, especially whether there are maternity and oncology services
- FSU / [REDACTED] to investigate finding that food premises was incorrectly classified as a class 2 food premises under the Act, to determine cause and rectify
- CDES/FSU [REDACTED] to feedback further results of food sample Listeria characterisation, especially to identify if MLST and molecular typing are a match for the findings in the human case
- FSU / [REDACTED] to develop a clear set of criteria required to be met before production can recommence, including elements around correct classification of the food premises, an appropriate food safety programme and Listeria management programme, validation testing
- FSU / [REDACTED] to ascertain volume of meals served at each service for purposes of estimating and understanding the impact of the food withdrawal
- FSU to map and investigate supply chain of iCook Foods for any Listeria-related risk
- Media / [REDACTED] to draft holding media lines
- PHMCD / FSU to draft CHO Alert on Friday 22 February 2019 in preparation for use if deemed necessary only - a CHO Alert was judged likely to be required if certain events occurred, for example more cases (an outbreak), concern patients and treating doctors may need to be made aware through media and direct communication (other than through writing to services), or other factors

#### **Records management**

There is a TRIM file with key documents at:  
IIEF/19/971

Regards



Health Protection Branch | Regulation Health Protection and Emergency Management Division  
Department of Health and Human Services | Level 14, 50 Lonsdale Street, Victoria 3000

w. [www.dhhs.vic.gov.au](http://www.dhhs.vic.gov.au)

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# Damage Caused to I Cook Foods



I Cook Foods Pty Ltd  
DISCARDED & DESTROYED STOCK

CLAIM SUMMARY

	\$ (ex GST)	Notes
<b>Stock Discarded due to Closure Order</b>		
Meal Me	8,109.76	
Fridge & Freezers	35,239.88	
Hospitals/Aged Care/TMF	73,779.62	
Meals on Wheels	27,497.53	
<b>Sub-Total</b>	<b>144,626.79</b>	
Credit Notes issued for delivered meals	16,739.81	
Meals prepared for testing and destroyed	6,695.55	
Long life stock expiration/Pre-bought product	159,299.90	
Invoices not paid	173,568.60	
Incurring Costs since closure	149,417.99	
Loss of Profit for 1 Year 8%	526,753.16	
Wages since closure	137,171.61	
Offsite Stock	200,649.97	
TMF Offsite Stock	39,247.80	
Loss of Business Value	41,200,000.00	
Reputational Loss (Personal and Company)	5,500,000.00	
<b>TOTAL</b>	<b><u>48,254,171.17</u></b>	

# Slug Photo Comparison



**CGD - Brief of  
Evidence**



**ICF - M. Cook  
Photo**





The first report which  
cleared I Cook Foods  
(Withheld for two  
weeks)



**Microbiological Diagnostic Unit**

Public Health Laboratory

Department of Microbiology and Immunology, University of Melbourne, VIC 3010



**RESULT REPORT**

To: Manager, Communicable Diseases Section  
 Department of Health & Human Services, Victoria  
 GPO Box 4057  
 MELBOURNE VIC 3001

MDU Job ID: J2019-01778  
 Report ID: R2019-03032  
 Issue date: 11-Feb-2019  
 [By Fax]

**Job details**

Premises: Icook Catering DH outbreak ID: Aveo Domaine Retirement Village  
 DH NIDS ID: 320192705523 (MDU No: 2019-01728)

**Sample details**

Date collected: 1-Feb-2019 Date received: 1-Feb-2019 11:49

Submitter's ID	MDU sample ID	Subm. specimen
01	2019-02053	SWAB - Cutting Bench
02	2019-02054	SWAB - Food Trolley Rack
03	2019-02055	SWAB - Wall Above Sink
04	2019-02056	SWAB - Food Container
05	2019-02057	SWAB - Sandwich Bell
06	2019-02058	SWAB - Handle of cutting Knife
07	2019-02059	SWAB - Pest Strip
08	2019-02060	SWAB - Surface of Scale
09	2019-02061	SWAB - Equipment Trolley
010	2019-02062	SWAB - Sandwich Board
011	2019-02063	SWAB - Sealer With Cutter

Results on samples as received:

**FINAL RESULTS**

Service 3203 *Listeria* species: isolation & identification [environmental swabs]

Date test started: 1-Feb-2019 16:40

Submitter's ID	<i>Listeria</i> species
01	Not detected
02	Not detected
03	Not detected
04	Not detected
05	Not detected
06	Not detected
07	Not detected
08	Not detected
09	Not detected
010	Not detected
011	Not detected

Procedure No(s)  
 FDS037

MDU chain of custody number for these samples is S3244.

Accredited for compliance with ISO/IEC 17025 - Testing.  
 Accreditation number: 1019.

Rec'd Communicable Diseases  
 12 FEB 2019  
 Checked: F/U:

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**Microbiological Diagnostic Unit**

Public Health Laboratory

Department of Microbiology and Immunology, University of Melbourne, VIC 3010

**RESULT REPORT**

To: Manager, Communicable Diseases Section  
Department of Health & Human Services, Victoria  
GPO Box 4057  
MELBOURNE VIC 3001

MDU sample ID: 2019-02068  
Report ID: R2019-03595  
Issue date: 15-Feb-2019  
[By Fax]

**Job details**

Premises: Icook Catering 3174 DH NIDS ID: 320192705523 (MDU No: 2019-01728)

**Sample details**

Subm. specimen: Cheese-Tasty Date collected: 1-Feb-2019  
Submitter's ID: 016 Date received: 1-Feb-2019

Results on sample as received:

**FINAL RESULTS****Service** 3315 *Listeria* species: isolation/detection & characterisation [food]

Date tests started: 4-Feb-2019 15:15

	Result	Procedure No(s)
<i>Listeria</i> species	Not detected in 50g	FDS037
<i>L. monocytogenes</i>	Not detected in 50g	

Note: PRODUCED: 22/01/19

MDU chain of custody number for this sample is S3244

**MDU Sample Disposal Policy**

Unless advised otherwise, this sample is scheduled for discard 10 days from the date of this report.

18 FEB 2019



Accredited for compliance with ISO/IEC 17025 - Testing. Accreditation number: 1019.



**Microbiological Diagnostic Unit**

Public Health Laboratory

Department of Microbiology and Immunology, University of Melbourne, VIC 3010



**RESULT REPORT**

To: Manager, Communicable Diseases Section  
 Department of Health & Human Services, Victoria  
 GPO Box 4057  
 MELBOURNE VIC 3001

MDU sample ID: 2019-02067  
 Report ID: R2019-03596  
 Issue date: 15-Feb-2019  
 [By Fax]

**Job details**

Premises: Icook Catering 3174 DH NIDS ID: 320192705523 (MDU No: 2019-01728)

**Sample details**

Subm. specimen: Carrot Shredded Date collected: 1-Feb-2019  
 Submitter's ID: 015 Date received: 1-Feb-2019

Results on sample as received:

**FINAL RESULTS**

**Service** 3315 *Listeria* species: isolation/detection & characterisation [food]

Date tests started: 4-Feb-2019 15:15

	Result	Procedure No(s)
<i>Listeria</i> species	Not detected in 50g	FDS037
<i>L. monocytogenes</i>	Not detected in 50g	

Note: Batch: 051B UBD: 7/2/19

MDU chain of custody number for this sample is S3244

**MDU Sample Disposal Policy**

Unless advised otherwise, this sample is scheduled for discard 10 days from the date of this report.

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**Microbiological Diagnostic Unit**

Public Health Laboratory

Department of Microbiology and Immunology, University of Melbourne, VIC 3010



**RESULT REPORT**

To: Manager, Communicable Diseases Section  
 Department of Health & Human Services, Victoria  
 GPO Box 4057  
 MELBOURNE VIC 3001

MDU sample ID: 2019-02071  
 Report ID: R2019-03599  
 Issue date: 15-Feb-2019  
 [By Fax]

**Job details**

Premises: Icook Catering 3174 DH NIDS ID: 320192705523 (MDU No: 2019-01728)

**Sample details**

Subm. specimen: Egg & Mayo Date collected: 1-Feb-2019  
 Submitter's ID: 019 Date received: 1-Feb-2019

Results on sample as received:

**FINAL RESULTS**

**Service** 3315 *Listeria* species: isolation/detection & characterisation [food]

Date tests started: 5-Feb-2019 15:30

	Result	Procedure No(s)
<i>Listeria</i> species	Not detected in 50g	FDS037
<i>L. monocytogenes</i>	Not detected in 50g	

Note: Batch: 100-73212 UB: 6/2/19

MDU chain of custody number for this sample is S3244

**MDU Sample Disposal Policy**

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18 FEB 2019



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**Microbiological Diagnostic Unit**

Public Health Laboratory

Department of Microbiology and Immunology, University of Melbourne, VIC 3010



**RESULT REPORT**

To: Manager, Communicable Diseases Section  
 Department of Health & Human Services, Victoria  
 GPO Box 4057  
 MELBOURNE VIC 3001

MDU sample ID: 2019-02073  
 Report ID: R2019-03600  
 Issue date: 15-Feb-2019  
 [By Fax]

**Job details**

Premises: Icook Catering 3174 DH NIDS ID: 320192705523 (MDU No: 2019-01728)

**Sample details**

Subm. specimen: Chicken (Cooked + Shredded) Date collected: 1-Feb-2019  
 Submitter's ID: 021 Date received: 1-Feb-2019

Results on sample as received:

**FINAL RESULTS**

**Service** 3315 *Listeria* species: isolation/detection & characterisation [food]

Date tests started: 5-Feb-2019 15:30

	Result	Procedure No(s)
<i>Listeria</i> species	Not detected in 50g	FDS037
<i>L. monocytogenes</i>	Not detected in 50g	

MDU chain of custody number for this sample is S3244

**MDU Sample Disposal Policy**

Unless advised otherwise, this sample is scheduled for discard 10 days from the date of this report.

18 FEB 2019



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**Microbiological Diagnostic Unit**

Public Health Laboratory

Department of Microbiology and Immunology, University of Melbourne, VIC 3010



**RESULT REPORT**

To: Manager, Communicable Diseases Section  
 Department of Health & Human Services, Victoria  
 GPO Box 4057  
 MELBOURNE VIC 3001

MDU sample ID: 2019-02074  
 Report ID: R2019-03601  
 Issue date: 15-Feb-2019  
 [By Fax]

**Job details**

Premises: Icook Catering 3174 DH NIDS ID: 320192705523 (MDU No: 2019-01728)

**Sample details**

Subm. specimen: Mayonaise Date collected: 1-Feb-2019  
 Submitter's ID: 022 Date received: 1-Feb-2019

Results on sample as received:

**FINAL RESULTS**

**Service** 3315 *Listeria* species: isolation/detection & characterisation [food]

Date tests started: 5-Feb-2019 15:30

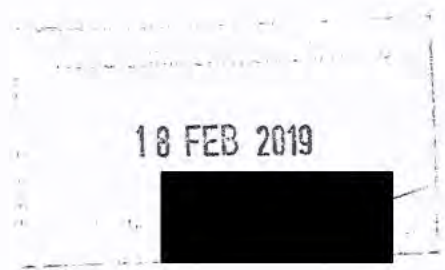
	Result	Procedure No(s)
<i>Listeria</i> species	Not detected in 50g	FDS037
<i>L. monocytogenes</i>	Not detected in 50g	

Note: BATCH: 318 UBD: 17/08/19

MDU chain of custody number for this sample is S3244

**MDU Sample Disposal Policy**

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**Microbiological Diagnostic Unit**

Public Health Laboratory

Department of Microbiology and Immunology, University of Melbourne, VIC 3010



**RESULT REPORT**

To: Manager, Communicable Diseases Section  
 Department of Health & Human Services, Victoria  
 GPO Box 4057  
 MELBOURNE VIC 3001

MDU sample ID: 2019-02075  
 Report ID: R2019-03602  
 Issue date: 15-Feb-2019  
 [By Fax]

**Job details**

Premises: Icook Catering 3174 DH NIDS ID: 320192705523 (MDU No: 2019-01728)

**Sample details**

Subm. specimen: Tomato Date collected: 1-Feb-2019  
 Submitter's ID: 023 Date received: 1-Feb-2019

Results on sample as received:

**FINAL RESULTS**

**Service** 3315 *Listeria* species: isolation/detection & characterisation [food]

Date tests started: 5-Feb-2019 15:30

	Result	Procedure No(s)
<i>Listeria</i> species	Not detected in 50g	FDS037
<i>L. monocytogenes</i>	Not detected in 50g	

MDU chain of custody number for this sample is S3244

**MDU Sample Disposal Policy**

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18 FEB 2019



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**Microbiological Diagnostic Unit**

Public Health Laboratory

Department of Microbiology and Immunology, University of Melbourne, VIC 3010



**RESULT REPORT**

To: Manager, Communicable Diseases Section  
 Department of Health & Human Services, Victoria  
 GPO Box 4057  
 MELBOURNE VIC 3001

MDU sample ID: 2019-02077  
 Report ID: R2019-03603  
 Issue date: 15-Feb-2019  
 [By Fax]

**Job details**

Premises: Icook Catering 3174 DH NIDS ID: 320192705523 (MDU No: 2019-01728)

**Sample details**

Subm. specimen: Margerine Date collected: 1-Feb-2019  
 Submitter's ID: 025 Date received: 1-Feb-2019

Results on sample as received:

**FINAL RESULTS**

**Service** 3315 *Listeria* species: isolation/detection & characterisation [food]

Date tests started: 5-Feb-2019 15:30

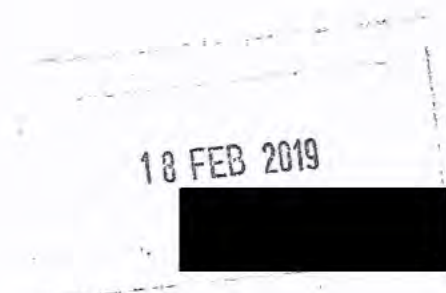
	Result	Procedure No(s)
<i>Listeria</i> species	Not detected in 50g	FDS037
<i>L. monocytogenes</i>	Not detected in 50g	

Note: MFD 2688 UBD: 25/04/19

MDU chain of custody number for this sample is S3244

**MDU Sample Disposal Policy**

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**Microbiological Diagnostic Unit**

Public Health Laboratory

Department of Microbiology and Immunology, University of Melbourne, VIC 3010



**RESULT REPORT**

To: Manager, Communicable Diseases Section  
 Department of Health & Human Services, Victoria  
 GPO Box 4057  
 MELBOURNE VIC 3001

MDU sample ID: 2019-02072  
 Report ID: R2019-03699  
 Issue date: 18-Feb-2019  
 [By Fax]

**Job details**

Premises: Icook Catering 3174 DH NIDS ID: 320192705523 (MDU No: 2019-01728)

**Sample details**

Subm. specimen: Lettuce - Sliced Date collected: 1-Feb-2019  
 Submitter's ID: 020 Date received: 1-Feb-2019

Results on sample as received:

**FINAL RESULTS**

**Service** 3315 *Listeria* species: isolation/detection & characterisation [food]

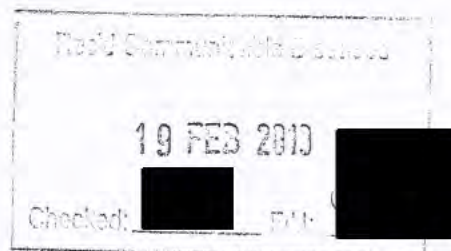
Date tests started: 5-Feb-2019 15:30

	Result	Procedure No(s)
<i>Listeria</i> species	Detected in 50g	
<i>L. monocytogenes</i>	Not detected in 50g	FDS037

MDU chain of custody number for this sample is S3244

**MDU Sample Disposal Policy**

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Accredited for compliance with ISO/IEC 17025 - Testing. Accreditation number: 1019.



# Microbiological Diagnostic Unit

Public Health Laboratory

Department of Microbiology and Immunology, University of Melbourne, VIC 3010



## RESULT REPORT

To: Manager, Communicable Diseases Section  
Department of Health & Human Services, Victoria  
GPO Box 4057  
MELBOURNE VIC 3001

MDU job ID: J2019-01777  
Report ID: R2019-04199  
Issue date: 25-Feb-2019

### Job details

Premises: Icook Catering 3174 DH NIDS ID: 320192705523 (MDU No: 2019-01728)

### Sample details

Date collected:	1-Feb-2019 08:30	Date received:	1-Feb-2019 11:49
Submitter's ID	MDU sample ID	Subm. specimen	
012	2019-02064	Mixed sandwiches	
012	2019-02064-S1	Mixed sandwiches A - Egg & Lettuce	
012	2019-02064-S2	Mixed sandwiches B - Cornbeef + Mustard	
012	2019-02064-S3	Mixed sandwiches C - Tomato + Cheese	
012	2019-02064-S4	Mixed sandwiches D - Chicken + Mayo	

Results on samples as received:

## FINAL RESULTS

Service 3315 *Listeria* species: isolation/detection & characterisation [food]

Date test started: 4-Feb-2019 14:50

MDU sample ID	<i>Listeria</i> species (in 25g)	<i>L. monocytogenes</i> (in 25g)
2019-02064-S1	Detected	Detected
2019-02064-S2	Not detected	Not detected
2019-02064-S3	Not detected	Not detected
2019-02064-S4	Not detected	Not detected

Procedure No(s)

FDS037

The isolation of *Listeria monocytogenes* in food is notifiable under the Public Health and Wellbeing Regulations 2009. Accordingly, the DHS has been notified.

MDU chain of custody number for these samples is S3244.

## SUPPLEMENTARY RESULTS

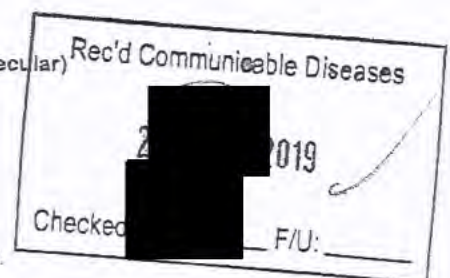
Supplement to results above Issued in Report R2019-03597 - dated 15-Feb-2019

Service 3204 *Listeria monocytogenes*: characterisation

MDU sample ID	Binary type	Serotype (molecular)
2019-02064-S1	158	1/2b, 3b, 7

Procedure No(s)

MMS084, MMS085



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Molecular serotyping identifies the presence or absence of a series of molecular markers. The pattern of molecular markers is common to those 2 or 3 serotypes reported above as the Serotype (molecular). The first-named of these serotypes is assumed to be the most common among cases of human listeriosis due to these serotypes (Dounith et al, J Clin Microbiol 2004; 42: 3819-3822).

Testing performed on *Listeria monocytogenes* as identified by submitting laboratory.

Note re sample 012: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

Note re sample 012: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

Note re sample 012: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

Note re sample 012: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

Note re sample 012: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

MDU chain of custody number for these samples is S3244.

## SUPPLEMENTARY RESULTS

Supplement to results above issued in Report R2019-03949 - dated 21-Feb-2019

**SAMPLE:** 2019-02064

**Service** 3315 *Listeria* species: isolation/detection & characterisation [food]

	Result	Procedure No(s)
MLST type	3	MMS109

The MLST type is predicted from *in silico* analysis of the genome sequence data.

Note re sample 012: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

Note re sample 012: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

Note re sample 012: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

Note re sample 012: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

Note re sample 012: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

MDU chain of custody number for these samples is S3244.



Accredited for compliance with ISO/IEC 17025 - Testing. Accreditation number: 1019.



# Microbiological Diagnostic Unit

Public Health Laboratory

Department of Microbiology and Immunology, University of Melbourne, VIC 3010



## RESULT REPORT

To: Manager, Communicable Diseases Section  
Department of Health & Human Services, Victoria  
GPO Box 4057  
MELBOURNE VIC 3001

MDU job ID: J2019-02770  
Report ID: R2019-04203  
Issue date: 25-Feb-2019

### Job details

Premises: Icook Catering 3174 DH NIDS ID: 320192705523 (MDU No: 2019-01728)

### Sample details

Date collected:	1-Feb-2019 08:45	Date received:	1-Feb-2019 11:49
Submitter's ID	MDU sample ID	Subm. specimen	
018	2019-02070	Mixed sandwiches	
018	2019-02070-S1	Mixed sandwiches A - Cornbeef + Mustard	
018	2019-02070-S2	Mixed sandwiches B - Tomato + Cheese	
018	2019-02070-S3	Mixed sandwiches C - Chicken + Mayo	
018	2019-02070-S4	Mixed sandwiches D - Egg + Lettuce	

Results on samples as received:

## FINAL RESULTS

Service 3315 *Listeria* species: isolation/detection & characterisation [food]

Date test started: 5-Feb-2019 15:30

MDU sample ID	<i>Listeria</i> species (in 25g)	<i>L. monocytogenes</i> (in 25g)
2019-02070-S1	Detected	Detected
2019-02070-S2	Not detected	Not detected
2019-02070-S3	Not detected	Not detected
2019-02070-S4	Not detected	Not detected

### Procedure No(s)

FDS037

The isolation of *Listeria monocytogenes* in food is notifiable under the Public Health and Wellbeing Regulations 2009. Accordingly, the DHS has been notified.

MDU chain of custody number for these samples is S3244.

## SUPPLEMENTARY RESULTS

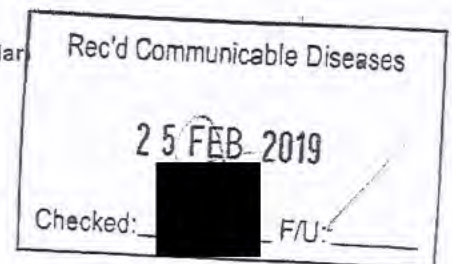
Supplement to results above issued in Report R2019-03698 - dated 16-Feb-2019

Service 3204 *Listeria monocytogenes*: characterisation

MDU sample ID	Binary type	Serotype (molecular)
2019-02070-S1	158	1/2b, 3b, 7

### Procedure No(s)

MMS084, MMS085



Accredited for compliance with ISO/IEC 17025 - Testing. Accreditation number: 1019.

Molecular serotyping identifies the presence or absence of a series of molecular markers. The pattern of molecular markers is common to those 2 or 3 serotypes reported above as the Serotype (molecular). The first-named of these serotypes is assumed to be the most common among cases of human listeriosis due to these serotypes (Dourmish et al, J Clin Microbiol 2004; 42: 3819-3822).

Testing performed on *Listeria monocytogenes* as identified by submitting laboratory.

Note re sample 018: Egg & lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

Note re sample 018: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

Note re sample 018: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

Note re sample 018: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

Note re sample 018: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

MDU chain of custody number for these samples is S3244.

## SUPPLEMENTARY RESULTS

Supplement to results above issued in Report R2019-03953 - dated 21-Feb-2019

**SAMPLE:** 2019-02070

**Service** 3315 *Listeria* species: isolation/detection & characterisation [food]

	<b>Result</b>	<i>Procedure No(s)</i>
MLST type	3	MMS109

The MLST type is predicted from *in silico* analysis of the genome sequence data.

Note re sample 018: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

Note re sample 018: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

Note re sample 018: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

Note re sample 018: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

Note re sample 018: Egg & Lettuce, Cornbeef & Mustard, Tomato & Cheese, Chicken & Mayo

MDU chain of custody number for these samples is S3244.



Accredited for compliance with ISO/IEC 17025 - Testing. Accreditation number: 1019.



# Microbiological Diagnostic Unit

Public Health Laboratory

Department of Microbiology and Immunology, University of Melbourne, VIC 3010



## RESULT REPORT

To: Manager, Communicable Diseases Section  
Department of Health & Human Services, Victoria  
GPO Box 4057  
MELBOURNE VIC 3001

MDU sample ID: 2019-02065  
Report ID: R2019-04442  
Issue date: 27-Feb-2019

### Job details

Premises: Icook Catering 3174 DH NIDS ID: 320192705523 (MDU No: 2019-01728)

### Sample details

Subm. specimen: Sandwiches Date collected: 1-Feb-2019  
Submitter's ID: 013 Date received: 1-Feb-2019

Results on sample as received:

### FINAL RESULTS

**Service** 3315 *Listeria* species: isolation/detection & characterisation [food]

Date tests started: 4-Feb-2019 14:50

	Result	Procedure No(s)
<i>Listeria</i> species	Detected in 50g	FDS037
<i>L. monocytogenes</i>	Detected in 50g	

The isolation of *Listeria monocytogenes* in food is notifiable under the Public Health and Wellbeing Regulations 2009. Accordingly, the DHS has been notified.

Note: Ham Cheese & Relish Sandwiches (Batch: 01/02/19 UBD: 3/2/19)

MDU chain of custody number for this sample is S3244

#### MDU Sample Disposal Policy

Unless advised otherwise, this sample is scheduled for discard 10 days from the date of this report.

### SUPPLEMENTARY RESULTS

Supplement to results above issued in Report R2019-03593 - dated 15-Feb-2019

**Service** 3204 *Listeria monocytogenes*: characterisation

	Result
Binary type	58
Serotype (molecular)	1/2a, 3a



Accredited for compliance with ISO/IEC 17025 - Testing.  
Accreditation number: 1019.

Molecular serotyping identifies the presence or absence of a series of molecular markers. The pattern of molecular markers is common to those 2 or 3 serotypes reported above as the Serotype (molecular). The first-named of these serotypes is assumed to be the most common among cases of human listeriosis due to these serotypes (Dournith et al, J Clin Microbiol 2004; 42: 3819-3822).

Testing performed on *Listeria monocytogenes* as identified by submitting laboratory.

Note: Ham Cheese & Relish Sandwiches (Batch: 01/02/19 UBD: 3/2/19)

MDU chain of custody number for this sample is S3244

### SUPPLEMENTARY RESULTS

Supplement to results above issued in Report R2019-03950 - dated 21-Feb-2019

Service 3204 *Listeria monocytogenes*: characterisation

	Result	Procedure No(s)
MLST type	321	MMS109

The MLST type is predicted from *in silico* analysis of the genome sequence data.

Testing performed on *Listeria monocytogenes* as identified by submitting laboratory.

Note: Ham Cheese & Relish Sandwiches (Batch: 01/02/19 UBD: 3/2/19)

MDU chain of custody number for this sample is S3244

### SUPPLEMENTARY RESULTS

Supplement to results above issued in Report R2019-04200 - dated 25-Feb-2019

Service 3314 *Listeria* species: enumeration

Date tests started: 25-Feb-2019

	Result	Procedure No(s)
<i>Listeria</i> species	<10 cfu/g	FDS038
<i>Listeria monocytogenes</i>	<10 cfu/g	

Note: Ham Cheese & Relish Sandwiches (Batch: 01/02/19 UBD: 3/2/19)

MDU chain of custody number for this sample is S3244







**RESULT REPORT**

To: Manager, Communicable Diseases Section  
 Department of Health & Human Services, Victoria  
 GPO Box 4057  
 MELBOURNE VIC 3001

MDU sample ID: 2019-02066  
 Report ID: R2019-04443  
 Issue date: 27-Feb-2019

**Job details**  
 Premises: Icook Catering 3174 DH NIDS ID: 320192705523 (MDU No: 2019-01728)

**Sample details**  
 Subm. specimen: Continental Cucumber - Sliced Date collected: 1-Feb-2019  
 Submitter's ID: 014 Date received: 1-Feb-2019

Results on sample as received:

**FINAL RESULTS**

**Service** 3315 *Listeria* species: isolation/detection & characterisation [food]

Date tests started: 4-Feb-2019 14:50

	Result	Procedure No(s)
<i>Listeria</i> species	Detected in 50g	FDS037
<i>L. monocytogenes</i>	Detected in 50g	

The isolation of *Listeria monocytogenes* in food is notifiable under the Public Health and Wellbeing Regulations 2009. Accordingly, the DHS has been notified.

MDU chain of custody number for this sample is S3244

**MDU Sample Disposal Policy**

Unless advised otherwise, this sample is scheduled for discard 10 days from the date of this report.

**SUPPLEMENTARY RESULTS**

Supplement to results above issued in Report R2019-03592 - dated 15-Feb-2019

**Service** 3204 *Listeria monocytogenes*: characterisation

	Result	Procedure No(s)
Binary type	158	MMS084
Serotype (molecular)	1/2b, 3b, 7	MMS085

Molecular serotyping identifies the presence or absence of a series of molecular markers. The pattern of molecular markers is common to those 2 or 3 serotypes reported above as the Serotype (molecular). The first-named of these serotypes is assumed to be the most common among cases of human listeriosis due to these serotypes (Doumith et al. J Clin Microbiol 2004; 42: 3819-3822).

Testing performed on *Listeria monocytogenes* as identified by submitting laboratory.  
 Accredited for compliance with ISO/IEC 17025 - Testing.  
 Accreditation number: 1019.



28 FEB 2019

Checked: [Redacted] Authorised by: [Redacted]

MDU chain of custody number for this sample is S3244

### SUPPLEMENTARY RESULTS

Supplement to results above issued in Report R2019-03951 - dated 21-Feb-2019

Service 3204 *Listeria monocytogenes*: characterisation

	Result	Procedure No(s)
MLST type	3	MMS109

The MLST type is predicted from *in silico* analysis of the genome sequence data.

Testing performed on *Listeria monocytogenes* as identified by submitting laboratory.

MDU chain of custody number for this sample is S3244

### SUPPLEMENTARY RESULTS

Supplement to results above issued in Report R2019-04201 - dated 25-Feb-2019

Service 3314 *Listeria* species: enumeration

Date tests started: 25-Feb-2019

	Result	Procedure No(s)
<i>Listeria</i> species	<10 cfu/g	FDS038
<i>Listeria monocytogenes</i>	<10 cfu/g	

MDU chain of custody number for this sample is S3244

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Accredited for compliance with ISO/IEC 17025 - Testing.  
Accreditation number: 1019.



# Microbiological Diagnostic Unit

Public Health Laboratory

Department of Microbiology and Immunology, University of Melbourne, VIC 3010



## RESULT REPORT

To: Manager, Communicable Diseases Section  
Department of Health & Human Services, Victoria  
GPO Box 4057  
MELBOURNE VIC 3001

**MDU sample ID:** 2019-02069  
**Report ID:** R2019-04444  
**Issue date:** 27-Feb-2019

### Job details

Premises: Icook Catering 3174      DH NIDS ID: 320192705523 (MDU No: 2019-01728)

### Sample details

Subm. specimen: Ham - Bertocci      Date collected: 1-Feb-2019  
Submitter's ID: 017      Date received: 1-Feb-2019

Results on sample as received:

## FINAL RESULTS

**Service** 3315 *Listeria* species: isolation/detection & characterisation [food]

Date tests started: 5-Feb-2019 15:30

	Result	Procedure No(s)
<i>Listeria</i> species	Detected in 50g	FDS037
<i>L. monocytogenes</i>	Detected in 50g	

The isolation of *Listeria monocytogenes* in food is notifiable under the Public Health and Wellbeing Regulations 2009. Accordingly, the DHS has been notified.

Note: Batch: 10/1/19 UBD: 21/02/19

MDU chain of custody number for this sample is S3244

### MDU Sample Disposal Policy

Unless advised otherwise, this sample is scheduled for discard 10 days from the date of this report.

## SUPPLEMENTARY RESULTS

Supplement to results above issued in Report R2019-03598 - dated 15-Feb-2019

**Service** 3204 *Listeria monocytogenes*: characterisation

	Result	Procedure No(s)
Binary type	58	MMS084
Serotype (molecular)	1/2a, 3a	MMS085

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Accredited for compliance with ISO/IEC 17025 - Testing.  
Accreditation number: 1019.

Molecular serotyping identifies the presence or absence of a series of molecular markers. The pattern of molecular markers is common to those 2 or 3 serotypes reported above as the Serotype (molecular). The first-named of these serotypes is assumed to be the most common among cases of human listeriosis due to these serotypes (Doumith et al, J Clin Microbiol 2004; 42: 3819-3822).

Testing performed on *Listeria monocytogenes* as identified by submitting laboratory.

Note: Batch: 10/1/19 UBD: 21/02/19

MDU chain of custody number for this sample is S3244

## SUPPLEMENTARY RESULTS

### Supplement to results above issued in Report R2019-03952 - dated 21-Feb-2019

**Service** 3204 *Listeria monocytogenes*: characterisation

	<b>Result</b>	<b>Procedure No(s)</b>
MLST type	321	MMS109

The MLST type is predicted from *in silico* analysis of the genome sequence data.

Testing performed on *Listeria monocytogenes* as identified by submitting laboratory.

Note: Batch: 10/1/19 UBD: 21/02/19

MDU chain of custody number for this sample is S3244

## SUPPLEMENTARY RESULTS

### Supplement to results above issued in Report R2019-04202 - dated 25-Feb-2019

**Service** 3314 *Listeria* species: enumeration

Date tests started: 25-Feb-2019

	<b>Result</b>	<b>Procedure No(s)</b>
<i>Listeria</i> species	<10 cfu/g	FDS038
<i>Listeria monocytogenes</i>	<10 cfu/g	

Note: Batch: 10/1/19 UBD: 21/02/19

MDU chain of custody number for this sample is S3244





**Microbiological Diagnostic Unit**

Public Health Laboratory

Department of Microbiology and Immunology, University of Melbourne, VIC 3010



**RESULT REPORT**

To: Manager, Communicable Diseases Section  
Department of Health & Human Services, Victoria  
GPO Box 4057  
MELBOURNE VIC 3001

MDU sample ID: 2019-02076  
Report ID: R2019-04445  
Issue date: 27-Feb-2019

**Job details**

Premises: Icook Catering 3174 DH NIDS ID: 320192705523 (MDU No: 2019-01728)

**Sample details**

Subm. specimen: Silver Side - Sliced Date collected: 1-Feb-2019  
Submitter's ID: 024 Date received: 1-Feb-2019

Results on sample as received:

**FINAL RESULTS**

Service 3315 *Listeria* species: isolation/detection & characterisation [food]

Date tests started: 5-Feb-2019 15:30

	Result	Procedure No(s)
<i>Listeria</i> species	Detected in 50g	FDS037
<i>L. monocytogenes</i>	Detected in 50g	

The isolation of *Listeria monocytogenes* in food is notifiable under the Public Health and Wellbeing Regulations 2009. Accordingly, the DHS has been notified.

Note: Batch: 17/2/18 UBD: 14/04/19

MDU chain of custody number for this sample is S3244

**MDU Sample Disposal Policy**

Unless advised otherwise, this sample is scheduled for discard 10 days from the date of this report.

**SUPPLEMENTARY RESULTS**

Supplement to results above issued in Report R2019-03604 - dated 15-Feb-2019

Service 3204 *Listeria monocytogenes*: characterisation

	Result	Procedure No(s)
Binary type	158	MMS084
Serotype (molecular)	1/2b, 3b, 7	MMS085

Rec'd Communicable Diseases

28 FEB 2019

Checked: [Redacted] F/U: [Redacted]

Authorised by: [Redacted]



Accredited for compliance with ISO/IEC 17025 - Testing.  
Accreditation number: 1019.

Molecular serotyping identifies the presence or absence of a series of molecular markers. The pattern of molecular markers is common to those 2 or 3 serotypes reported above as the Serotype (molecular). The first-named of these serotypes is assumed to be the most common among cases of human listeriosis due to these serotypes (Douni et al, J Clin Microbiol 2004; 42: 3819-3822).

Testing performed on *Listeria monocytogenes* as identified by submitting laboratory.

Note: Batch: 17/2/18 UBD: 14/04/19

MDU chain of custody number for this sample is S3244

### SUPPLEMENTARY RESULTS

Supplement to results above issued in Report R2019-03954 - dated 21-Feb-2019

Service 3204 *Listeria monocytogenes*: characterisation

	Result	Procedure No(s)
MLST type	3	MMS109

The MLST type is predicted from *in silico* analysis of the genome sequence data.

Testing performed on *Listeria monocytogenes* as identified by submitting laboratory.

Note: Batch: 17/2/18 UBD: 14/04/19

MDU chain of custody number for this sample is S3244

### SUPPLEMENTARY RESULTS

Supplement to results above issued in Report R2019-04204 - dated 25-Feb-2019

Service 3314 *Listeria* species: enumeration

Date tests started: 25-Feb-2019

	Result	Procedure No(s)
<i>Listeria</i> species	<10 cfu/g	FDS03B
<i>Listeria monocytogenes</i>	<10 cfu/g	

Note: Batch: 17/2/18 UBD: 14/04/19

MDU chain of custody number for this sample is S3244



Accredited for compliance with ISO/IEC 17025 - Testing.  
Accreditation number: 1019.



2<sup>nd</sup> report which  
cleared I Cook Foods  
(withheld for a month  
/ tampered with)

**1. SUMMARY**

- Clustering analysis between four new non-human samples belonging to ST 3 was performed. These isolates (2019-02064-1, 2019-02066-1, 2019-02070-1 and 2019-02076-1) were highly related to one another and potentially related to VIC case 2019-01728.

**2. Recommendations.**

Epidemiological investigation is HIGHLY recommended for:

**ST 3:**

Non-human VIC isolates 2019-02064-1, 2019-02066-1, 2019-02070-1 and 2019-02076-1 are highly related to one another. They are potentially related to VIC case 2019-01728.

**3. Completeness of data**

- This information is based on WGS sequencing information available on 26<sup>th</sup> February 2019.

**4. Addendum (21<sup>st</sup> March 2019)**

- Isolates included in the original analysis originate human and non-human sources from VIC, NSW, QLD, SA, NT, WA and TAS from 1995 to 2019.

Why does the summary not include the QLD case's?



**HUMAN** listeriosis cases belonging to ST 3 received in the past 24 weeks for the reporting period: 25<sup>th</sup> February 2019.

MDU ID	State	Date collected	NetEpi ID	Bin Type	Molecular serotype	MLST
[REDACTED]	WA	24-Jan-2019	[REDACTED]	159	1/2b, 3b, 7	3
[REDACTED]	QLD	16-Jan-2019	[REDACTED]	158	1/2b, 3b, 7	3
2019-01728	VIC	23-Jan-2019	171826	158	1/2b, 3b, 7	3
[REDACTED]	QLD	5-Jan-2019	[REDACTED]	158	1/2b, 3b, 7	3
[REDACTED]	WA	4-Dec-2018	[REDACTED]	not provided	not provided	3

**NON-HUMAN** isolates belonging to ST 3 received in the past 24 weeks for the reporting period: 25<sup>th</sup> February 2019

MDU ID	State	Date collected	Bin Type	Molecular serotype	MLST
2019-02076-1	VIC	1-Feb-2019	158	1/2b, 3b, 7	3
2019-02070-1	VIC	1-Feb-2019	158	1/2b, 3b, 7	3
2019-02066-1	VIC	1-Feb-2019	158	1/2b, 3b, 7	3
2019-02064-1	VIC	1-Feb-2019	158	1/2b, 3b, 7	3

Bottom lines of table are double thickness suggesting they have been compressed to hide other Human cases.

### Re-Analysis of ST 3 cluster

Potential clusters identified in ST 3 containing cases within the current reporting period are re-analysed with historical isolates of the same sequence types to determine whether any further investigation is required.

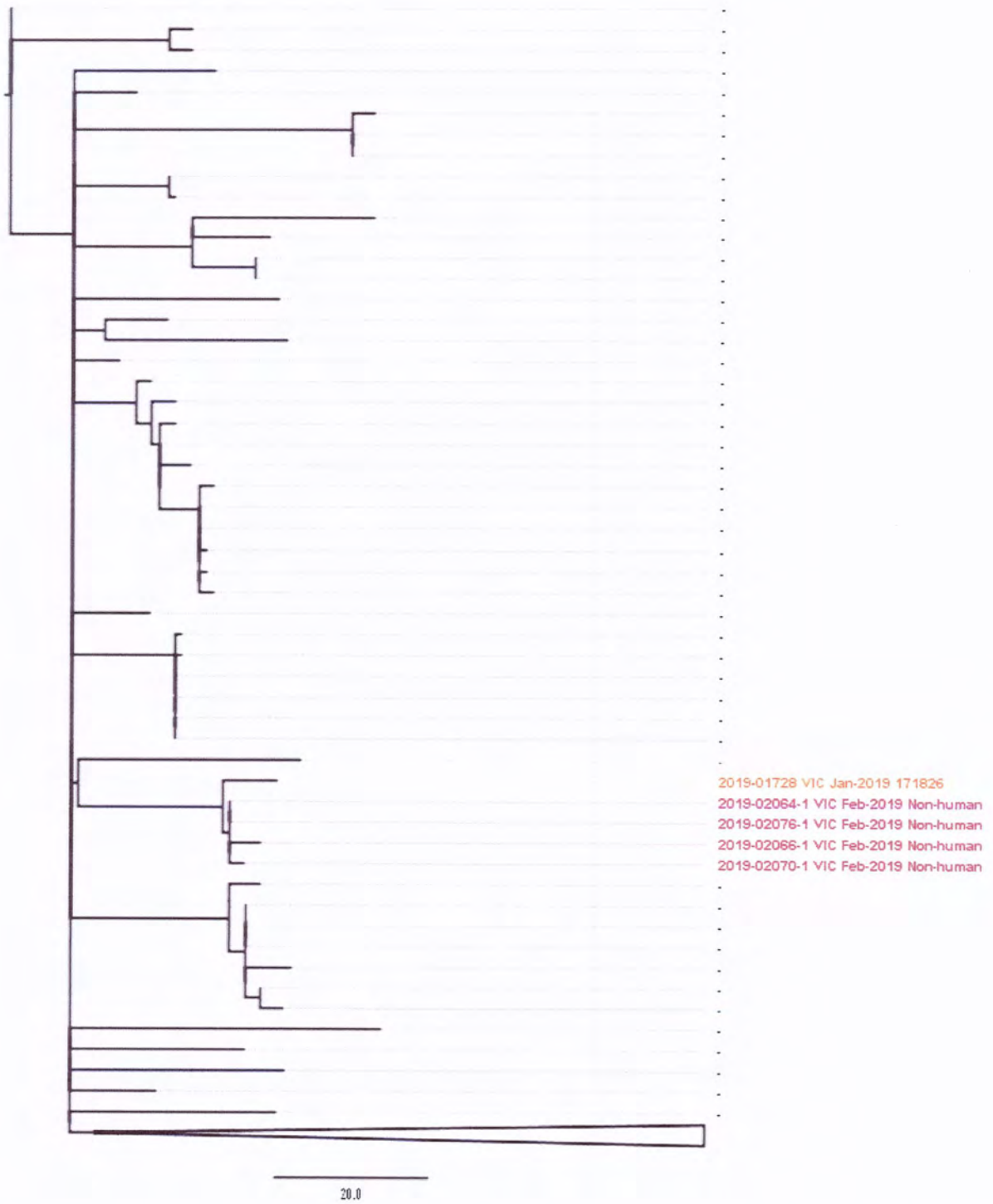
Cases are colour coded as follows:

<b>Red</b>	Recent cases are highly likely to be linked to other cases and further investigation is recommended to confirm these links
<b>Orange</b>	Recent cases that are potentially linked to one or more cases and further investigation is recommended to confirm or reject the cluster
<b>Green</b>	Recent cases that are not linked to any other cases therefore no further investigation is recommended
<b>Blue</b>	Cases identified with the last 12 months
<b>Black</b>	Historical cases

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Phylogenetic re-analysis of **ST 3** showing the upper portion of the tree as identified in the initial full analysis.



**HUMAN** listeriosis cases belonging to ST 3 received in the past 24 weeks for the reporting period: 25<sup>th</sup> February 2019.

MDU ID	State	Date collected	NetEpi ID	Bin Type	Molecular serotype	MLST
2019-02143	WA	24-Jan-2019	171845	159	1/2b, 3b, 7	3
2019-02472	QLD	16-Jan-2019	171825	158	1/2b, 3b, 7	3
2019-01728	VIC	23-Jan-2019	171826	158	1/2b, 3b, 7	3
2019-01984	QLD	5-Jan-2019	171822	158	1/2b, 3b, 7	3
2018-26212	WA	4-Dec-2018	171799	not provided	not provided	3

**NON-HUMAN** isolates belonging to ST 3 received in the past 24 weeks for the reporting period: 25<sup>th</sup> February 2019

MDU ID	State	Date collected	Bin Type	Molecular serotype	MLST
2019-02076-1	VIC	1-Feb-2019	158	1/2b, 3b, 7	3
2019-02070-1	VIC	1-Feb-2019	158	1/2b, 3b, 7	3
2019-02066-1	VIC	1-Feb-2019	158	1/2b, 3b, 7	3
2019-02064-1	VIC	1-Feb-2019	158	1/2b, 3b, 7	3

Department letter  
proving millions of  
Taxpayer dollars  
invested in Community  
Chef





## Secretary

Department of Health and Human Services

50 Lonsdale Street  
Melbourne Victoria 3000  
Telephone: 1300 650 172  
GPO Box 4057  
Melbourne Victoria 3001  
www.dhhs.vic.gov.au  
DX 210081

e4347842

[REDACTED]  
Chair  
Regional Kitchen Pty Ltd  
43-47 Drake Boulevard  
ALTONA VIC 3018

Dear [REDACTED]

I write with regards to the financial assistance you have asked the Department of Health and Human Services to provide to Community Chef Group (Community Chef).

I have been briefed about the challenges Community Chef has faced in its efforts to establish a solid base for future operations. As you know the department has acted to support Community Chef's continued viability on a number of occasions as outlined in Attachment A.

The Department is again concerned about the financial vulnerability of Community Chef and its capacity to operate at a sustainable level. I understand that Community Chef have recently initiated actions to reduce costs and secure revenue from Councils. However, the changing landscape of Commonwealth funding arrangements associated with HACC transfer, points to a degree of demand, and therefore revenue uncertainty.

I have requested the Department engage a contractor to undertake a detailed analysis of Community Chef's operations and provide advice on future business projections and options. My staff will work with you on this and make available the recommendations of the report.

In agreeing to provide short term funding of \$1 million repayable grant, I have expectations that Community Chef will:

- a) fully brief its shareholders about the business's financial position and test with them alternative actions to ensure continued operation without further department assistance. This could include seeking financial contributions from shareholders to pay out the ANZ loan or otherwise support the business. I note that repayment of the loan would have a substantial impact on the business's cash position going forward, and that the alternative scenarios for councils meeting their meals service requirements and obligations to their community might well prove more costly options;
- b) cooperate fully in a review of its position and prospects to be undertaken by an expert commercial firm engaged by the Department and consider the advice on strategies available to provide a more enduring solution.

- c) provide me with its considered strategy for the future of the company within one month of receipt of the review, or as otherwise agreed.

Please write back to me to confirm your agreement to the above expectations.

With reference to Attachment A, the repayment obligations under the Second, Third, Fourth and Fifth Agreements require repayment of the total value of the repayable grants on the earlier of:

- the occurrence of any 'default' event, which is defined for the purposes of the First, Second and Third Agreements in clause 8.1 of the General Security Deed dated on or about 10 September 2015 given by the Service Company and the Asset Company in favour of the State of Victoria to secure the grants listed above against the assets of the the Service Company and the Asset Company; and
- the expiry of the term of the repayable grants, which is now 30 September 2017.

In the period leading up to the expiry of the term of the repayable grants on 30 September 2017 and in the event that no other events affecting Community Chef's future occur, the department will work with you to agree a repayment plan for outstanding monies taking into account Community Chef's financial circumstances at that time and with a view to not prejudicing Community Chef's continued operations.

In the meantime, all of the Department's and the State of Victoria's rights under the financing arrangement and any other security granted by the Community Chef are fully reserved.

I trust this information is of assistance in providing clarity on the Department's position. Should you have any queries, please contact [REDACTED] Assistant Director, Community Care & Assessment on [REDACTED]

Yours sincerely

[REDACTED]

Kym Peake  
Secretary

25/10/2016



**Attachment A - Financial support to Community Chef from the Department of Health and Human Services**

Agreement	Amount	Type	Details
First	\$6 million	A capital grant	to purchase land and to construct a food production kitchen pursuant to an agreement between the State of Victoria and Regional Kitchen Pty Ltd ACN 130 471 206 (Asset Company) dated 23 June 2008. The repayment obligations under the First Agreement (clauses 7.4 to 7.6) require the repayment of the total value of the grant on the occurrence of any default event prior to 23 June 2028, less the equivalent of 5 per cent of the funds for each year elapsed calculated on a pro rata basis.
Second	\$1,438,000	repayable grants	in to the RFK Pty Ltd ACN 128 645 312 (Service Company) pursuant to an agreement between the State of Victoria and the Service Company dated 18 May 2012, and varied on 27 May 2013 and 6 July 2015.
Third	\$322,131	repayable grant	to the Service Company pursuant to an agreement between the State of Victoria, the Service Company and the Asset Company dated on or about 29 May 2015.
Fourth	\$1,177,869	repayable grant	to the Service Company pursuant to an agreement between the State of Victoria, the Service Company and the Asset Company dated on or about 10 September 2015.
Fifth	\$1,000,000	repayable grant	to Community Chef (noting the Service Company and the Asset Company have now merged into one entity) pursuant to an agreement to be entered into between the State of Victoria and Community Chef to be made available over the 2016-17 year on an as needs basis

Community Chef  
board papers showing  
the Department  
working closely with  
Community Chef



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## MEMORANDUM

To **REGIONAL KITCHEN AND COMMUNITY CHEF BOARDS**

cc

From 

Subject **BUSINESS DEVELOPMENT**

Date **15 APRIL 2019**

File Ref No

---

### HIGHLIGHTS

1. Performance against Key Strategic Objectives
2. Stakeholder Engagement
3. Contract Renewal with Current Customers
4. New Customers
5. Progress with Potential New Customers

### ISSUES & DISCUSSION

#### 1. PERFORMANCE AGAINST KEY STRATEGIC OBJECTIVES

##### 1.1 Improve Ease of doing Business

Leading into the Easter period and with the influx of additional business as a result of the I Cook temporary closure an arrangement has been made to use the Brimbank dispatch centre to provide overflow storage and to better coordinate pick/pack activities. This arrangement will continue for until the end of April and then be reviewed.

Product line rationalisation and product packaging configuration – With the go-live date for Joan Kirner Women's and Children's Hospital set for May 15<sup>th</sup>, production of the new range of Frozen meals commenced on April 8<sup>th</sup>. As from April 10<sup>th</sup>, 16 out the 17 dishes were approved. The last dish will be prepared and presented to the Western Health team by April 18<sup>th</sup>.

The focus will now turn to the packaging format for retorted council meals. The aim is to have a divided tray resulting in a more visually attractive meal.





## 2. Stakeholder engagement


The site visit for Minister Melissa Home and her electorate office staffer, [REDACTED] went ahead on March 1<sup>st</sup>, where they were provided with and overview of Community Chef's History and achievements as well as the future plans for integration into the public health food service network. Melissa conveyed that she was prepared to speak with her fellow cabinet member, Jenni Mikakos, to encourage her to approve the transition strategy.

Melissa also committed to providing introductions to businesses within her network to assist with our business development activities.

On March 14<sup>th</sup>, a meeting was held with [REDACTED] and [REDACTED] at the DHHS. The meeting was used as an opportunity to provide the DHHS with an update on the YTD performance and a forecast for the 18 month horizon. During the meeting it was flagged that a drawdown of \$800K of the \$1M loan facility in the FY20 was likely. Given that VAGO will require the business to have a net \$1M available to ensure a clean audit opinion is achieved, it was also explained to [REDACTED] and [REDACTED] that the loan facility would need to be increased to \$1.8M. Following this meeting, a formal request to vary the loan facility agreement with the DHHS was sent to [REDACTED] on April 2<sup>nd</sup> (See attached).

Further meetings were held and correspondence with [REDACTED] was undertaken throughout March. [REDACTED] assured that many activities were being undertaken in the food service space and asked that the business hold off on making any direct contact with Minister Mikakos' office until he requests this assistance.

In light of the ICook issue, Cianar asked that the Disaster Recovery Plans and contingency supply arrangements in place between Community Chef and Melbourne Health, Monash Health and Austin Health be refreshed. This activity complements the broader food service strategy that has been presented to Minister Mikakos' office.





#### **4. NEW CUSTOMERS**

##### **ICOOK TEMPORARY CLOSURE**

On February 22<sup>nd</sup>, the DHHS advised that due to a Listeria related death at an Aged Care facility supplied by ICook that the ICook facility would immediately be closed and supply to all customers halted. There has been wide coverage of this issue in the media (Channel 7, ABC and The Age), hence this report will not provide any further commentary regarding the root cause or speculation on which party was at fault.

As a result of the ICook shutdown, temporary supply of meals to Mercy Place Aged Care Facility, Glen Eira Council, Monash Council (Texture Modified only) and Yarra Ranges Council commenced in the week of Monday Feb 25<sup>th</sup>. Details as follows:

##### **Mercy Health – Mercy Place, Rosebud Aged Care Facility**

Dennis Stirling from Mercy Health contacted Community Chef on Monday Feb 25<sup>th</sup> to commence supply of meals to the Rosebud 29 Bed Aged Care Facility. The facility now takes approximately 55 meals per day. Given the distance of the Mercy facility from the Altona facility, the opportunity was taken to engage a 3<sup>rd</sup> party cold chain logistics company (PJs Gourmet Express) to deliver to the site 3 times per week. Feedback from the facility has been overwhelmingly positive.

Dennis has not indicated whether Mercy Health will be seeking to terminate the supply contract with ICook, however, they are taking legal advice on this matter.

##### **Glen Eira Council**

The council takes approximately 130 three course meals per day, delivered to their Caulfield dispatch centre. Feedback received from council has generally been positive.

Glen Eira had initially made the decision to move on from ICook, going to tender on February 27<sup>th</sup>. A response was provided to the tender. On April 09, Community Chef received unofficial communication that Glen Eira will be continuing procurement of their meals from ICook. This was followed by an official letter on April 10 from Glen Eira's Coordinator Social Support and Volunteers. Glen Eira will start purchasing meals from ICook as from May 6<sup>th</sup>.

##### **Yarra Ranges Council**

Yarra Ranges made immediate contact with Community Chef on the day of the ICook temporary closure and Community Chef was able to deliver meals on Sunday February 24<sup>th</sup>.

The council placed orders on an ad-hoc basis as there was uncertainty regarding the duration of the ICook closure and whether the contract with ICook would be cancelled.

██████████ (Manager Community Services - Yarra Ranges) rang on Friday March 29<sup>th</sup> to inform Community Chef that Yarra Ranges will be trialling another supplier from April 8<sup>th</sup> onwards (Maroondah Council) in advance of making a decision to go to tender. ██████████ indicated that we will be contacted to ensure we are aware of when the tender is released and made a point of assuring that this decision was not a reflection of the quality of our product or service. The council is merely taking the opportunity to trial a few players in the market before going to tender.

**Monash Council**

From the commencement of the ICook shutdown, Monash Council have been sourcing their texture modified meals from Community Chef. The remainder of the meals are being sourced from Lite 'N' Easy. It is unclear whether Monash will cancel their contract with ICook.









# Community Chef

02 April 2019

[REDACTED]  
Acting Assistant Director  
Community Care and Assessment  
DHHS

Dear [REDACTED]

RE: Extension of and Increase Loan facility

Further to our meeting at 50 Lonsdale Street on March 14, 2019 I am writing to request an extension to the term of the loan facility for a further 12 months until September 30, 2020 and increase in the dollar value of the facility to \$1.8 Million.

As you are aware, this agreement has been in place since October 2016 at the request of VAGO to enable them to provide a clean audit opinion with regard to going concern.

Community Chef has not drawn down on the funds over this period.

With continued efficiency measures the business was able to achieve a modest surplus in financial year 2018, the first in the company's 8 year history. This was assisted by the support of our shareholders by their provision of a sales floor. The organisation has continued to be cash generative throughout the 2019 financial year, posting sales results in line with budget and a year-to date bottom line result \$177K ahead of budget. For this reason, the requirement to draw down on the existing \$1M loan facility that was forecast for the second quarter of the FY19 in has not occurred.

With council sales holding steady, the business is on track to achieve \$300K sales growth in the non-council sectors this financial year. Contracts signed with Western Health for the Joan Kirner Women's and Children's Hospital and with the Compass group for the Thomas Embling facility, will see non-council business grow again from the \$800K forecast for this year to more than \$1.2M for the 2020 financial year.

The organisation continues to present itself as the perfect solution to the food service issue being faced by Western Health and Melbourne Health through their continued reliance on the outdated Footscray Hospital CPK. Whilst it was anticipated that the decision to transition to Community Chef would occur by April this year, it is most likely that this will not occur for several months yet.



P: 03 9368 5900

F: 03 8360 9050

[www.communitychef.com.au](http://www.communitychef.com.au)

Address

43-47 Drake Boulevard, Altona, VIC 3018

Postal Address

PO Box 172, Altona North VIC 3025



VAGO will require that Community Chef has access to a loan facility. The conservative estimate in the draft budget for the 2020 financial year forecasts a need to draw down on \$800K of the \$1M loan facility (refer to attached cash flow forecast). This means that our request for the funding arrangement varies from the previous three years in that there is a requirement to hold \$1M as a guarantee in addition to any funds drawn down, increasing the cap on funding to \$1.8M.

VAGO is scheduled to attend our site on April 29<sup>th</sup> to commence the preliminary steps of the 2019 financial year audit process. One of key discussion topics will be the loan facility arrangement in place with the DHHS. We do not anticipate any other material issues to be raised.

Thank you for considering this request and we eagerly anticipate your favourable response.

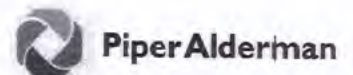
Yours Sincerely,



Legal letter from Knox  
Private Hospital saying  
there is no evidence  
that [REDACTED] ever  
ate a sandwich whilst  
in hospital



Our Ref: AEF.MB.414956  
Your Ref: DMB:ATD:190270



20 May 2019

By email: [REDACTED]

McKean Park Lawyers  
Level 11  
575 Bourke Street  
MELBOURNE VIC 3000

Dear Sir

### I Cook Foods Pty Ltd

We refer to your letters dated 18 April 2019 and 13 May 2019.

We are instructed that there is no evidence of what food products the patient ate at our client's facility, if any. It is also unclear at what location the patient may have consumed any food products which contained listeria.

In any event, it was the positive listeria samples found in your client's production kitchen which led the Health Department to take the action it did to close your client's operations. The "current situation" therefore has not arisen by any action of our client.

For the record, our client rejects any suggestion that it has acted in contravention of any guideline.

Our client is currently processing payment of your client's invoice 7213 dated 14 September 2018 in the sum of \$2,403.18.

As a result of your client's inability to provide the services in accordance with the Services Agreement dated 17 February 2017, the following losses have been suffered by our client:

1. \$3,380.40 in costs associated with food testing;
2. \$7,751.16 in costs for cleaning the facilities to which I Cook Foods supplied food;
3. \$28,721.55 in costs of the wasted I Cook Foods products that were directed to be disposed of;
4. an estimated \$20,000.00 in costs of notifying patients of the potential of food they had consumed containing listeria, including both costs associated with the postage of letters to patients as well as time spent contacting patients by telephone; and

#### Lawyers

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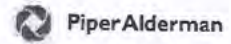
Partner:

[REDACTED]

Contact:

[REDACTED]

To: [REDACTED]  
Date: 9 May 2019  
Our Ref: AEF.MB.414958  
Page: 2



5. \$37,541.16 in the additional costs of sourcing an alternative food supply, being the difference between the price charged by I Cook Foods, and that of the replacement supplier. Those costs include the costs of additional labour to produce meals and transportation of meals to our client's facilities. For the sake of clarity, our client has given credit for the costs it would have incurred had your client supplied the patient meals, including its labour charges. It only claims the additional costs it has incurred.

Please find enclosed a schedule outlining the calculation of these losses, which total \$97,394.27. These losses can be offset from your client's claim of \$106,120.34, resulting in a payment due to your client of \$8,726.07.

Yours faithfully


[REDACTED]

pp:

[REDACTED]

Anne Freeman  
Partner



Transcript from ABC  
radio Melbourne,  
where Dr. Brett Sutton  
accuses I Cook Foods  
of killing 

## TRANSCRIPT

### **ABC Radio Interview Between Jon FEINE and Chief Health Officer Dr. Brett SUTTON Conducted on 29<sup>th</sup> March, 2019**

JF Early this morning we had a bit of a chat to the boss of I Cook Foods. Ian COOK joined us, his business is allowed to reopen after the Health Department shut them down blaming them for a Listeria outbreak, ahh well, it wasn't really an outbreak that is probably a bit too much but an instance of Listeria which was traced to their output. Dr. Brett SUTTON is Victoria's Chief Health Officer, of course we want to hear both sides of the story.

JF Dr. SUTTON, good morning to you.

BS Good Morning Jon.

JF I Cook Foods say they have been wrongly identified and wrongly targeted in this investigation, why did you shut them down?

BS Really, there were a bunch of pieces of evidence that came together, I know Ian was referencing the sampling of the sandwiches in the kitchen and that was, ahh, piece and they were below levels um, if that had been the only element of concern they wouldn't have been shut down, but we had a link to a death of an elderly woman um, in her food history, she talked about where and what foods she ate and um the foods that she'd had at home were all negative for Listeria ahh, but the foods that she had, had been traced back to I Cook, um, ahh, were also part of her history and, ah, um, her death was ahh, tragic and I needed to consider what it would mean if I Cook had food that was contaminated with Listeria going to vulnerable populations because they were delivering to Hospitals, Meals On Wheels and Aged Care Facilities.

JF He said first of all that there is Listeria present all the time and it's about managing the risk and she oughtn't never have been given a sandwich with smallgoods, and it's inappropriate for someone as frail as she was?

BS Listeria is an organism that is found in the environment and that's why kitchens need to take special attention about the processes, the workflows and the and the state of their kitchen in order that it doesn't get to a level where it doesn't it cause illness in people um, the fact that she developed illness meant that she had consumed Listeria, was at a level that dangerous um but hospitals ahh, ahh, aren't prisons, they, they offer people the choice in the foods they eat and um you know, almost every ahh, ahh, that I Cook Foods is supplying to, is over 70 years of age between Age Care, Meals On Wheels and hospitalised patients um, and, and you, so you, can argue um, if they're got Listeria in



their food, should they been providing if anywhere but we take the view that we give guidance to people to make their our choices and some people ahh, choose to have high risk foods um and, and, ah, you know, the risk of Listeria is small but when you're supplying to an enormous number of vulnerable individuals you have to be cautious about allowing that to continue, you've got concerns that there's contamination.

JF He also claimed and I'm fully aware that, he is saying they are going to pursue their rights and possibly sue you. He also said that they complied at all times with Food Standards and within the acceptable Standards?

BS Well, the, the, investigation um, ahh, you know, identified some failures of processes and some failures ahh, the, the, state of the kitchen um, with respect of Listeria, so you know I will think the, the court will hear those matters and they're obviously contested um, but ahh, um, the, the state a kitchen is in our under normal circumstances ahh, is has a threshold at one level and when you know there is a link to a death ahh, sustain Listeria in that environment um, when you know that food is going to thousands of people.

JF Do you acknowledge or concede that at any point that anything happened was wrong when they were shut down?

BS I, I, don't, I, I, am absolutely aware and I really feel for the families that are affected by this, and for Ian, ahh, he may not accept that.

JF I mean the people who got sick as well as him, his business and his staff?

BS Oh yeah, I mean, I mean for the families who haven't been able work by virtue of the Closure, that's terrible ahh, for them and, and I feel for them but I have an obligation for the HEALTH AND WELLBEING of Victorians and the signals that were available to me about there being a death and a link to I Cook Foods and a enormous number of vulnerable individuals um who we um, being recipients of those foods if those foods I had to act in order to manage that risk.

JF I hope it doesn't go to court but if it does well I guess we'll find out what the court discovers, thankyou in deed Dr. SUTTON, Dr Brett SUTTON Victoria's Chief Health Officer.

INTERVIEW COMPLETED.

“Slug Report” from 





# Report on slugs located in and around industrial complexes at 12 Zenith Rd Dandenong VIC.

Prepared by [REDACTED] 28<sup>th</sup> May 2019 for I Cook.

<sup>1</sup>School of Agriculture, Food and Wine, University of Adelaide, Urrbrae, SA 5064, Australia.

<sup>2</sup>School of Life Science, La Trobe University, Melbourne VIC 3086, Australia.

## Version control:

Version	Author	Date	Reviewer	Date
Draft 1	M Nash	31 May 2019	I Cook	31 May 2019
Draft 2	M Nash	31 May 2019 3 pm	Not Advised	17 June 2019
Final Report	M Nash	30 June 2019		

## Background:

This report has been prepared to assess the likelihood of slugs (Gastropoda: Stylommatophora) entering industrial premises in the Dandenong area of outer Melbourne, Victoria. Slugs, and related snails, can act as vectors to various diseases: for example, *Listeria* spp. has been detected from the flesh of the land snail *Helix pomatia* L. (Helicidae) (Temelli *et al.* 2006); high numbers of *Arion vulgaris* (Moquin-Tandon) (Arionoidea) may act as a vector for pathogenic *Clostridium botulinum* van Ermengem (Clostridia: Clostridiaceae) (Gismervik *et al.* 2014) and *Listeria* spp. (Bacilli: Listeriaceae); *L. monocytogenes* Pirie is commonly carried by slugs threatening animal feed (silage) safety (Gismervik *et al.* 2015). Contaminated silage is considered an important source of raw milk contamination, which can lead to human listeriosis when raw milk is used for cheese production (Driehuis 2013), however in Australia that risk is eliminated by pasteurisation. *Limax maximus* L. (Limacidae) can act as a vector for the meningitis-causing parasite, *Angiostrongylus cantonensis* (Chen) (Nematoda: Angiostrongylidae), which normally infests the lungs of rats. Live slugs that are eaten have been associated with transfer of *A. cantonensis* to humans (Senanayake *et al.* 2003). The risk slugs or snail pose regarding contaminating fresh foodstuffs is mitigated by Australian food processors taking a zero tolerance to live slug or snails; for example, high pressure washing is used to eliminate slugs from fresh lettuce. Given slugs might act as a vector for disease, in order to maintain food safety live individuals should not be permitted to enter food preparation areas, either via contamination of raw products or movement from surrounding environments.

This review focuses on the likelihood of slugs entering the food production facility at 12 Zenith Rd Dandenong VIC, based on evidence that an undescribed slug was found inside the facility on the 18<sup>th</sup>



Feb 2019. Species identity from the photo provided (said evidence) is not possible. A wild guess that the species in the photo might be *L. maximus* was put forward, but rejected by myself. As no specimen from 18<sup>th</sup> Feb 2019 has been presented it is not possible to determine the species alleged to be found inside the facility at 12 Zenith Rd Dandenong VIC, nor if any bacteria or nematodes were carried. Thus, the said evidence is useless regarding determining any food safety risk.

#### Slug species found In Australia

Exotic slugs are associated with disturbed land use categories across southern Australia, including horticulture. Yet, *A. vulgaris* and *H. pomatia* are two exotic species not to be found in Australia. The common slug species found in farmlands along eastern Australia, including the sub tropics, include: *Deroceras invadens* Reise, *D. laevae* (Müller), *D. reticulatum* Müller (Agriolimacidae), *Arion ater* (L.), *A. intermedius* (Normand), *A. hortensis* (Férussac) (Arionidae), *Limax maximus* L., *Limacus flavus* (L.), *L. nyctelia* (Bourguignat),(Limacidae), *Milax gagates* (Draparnaud) (Milacidae). *Limax maximus* and *L. flavus* are commonly recorded around buildings, thus are most likely to be found inside industrial buildings, with *Limacus flavus* observed feeding on rat bait within concrete structures where moisture accumulates (*Nash personal observations*). Both these species are most likely to be found on/in industrial premises.

#### Slug species found at 12 Zenith Rd Dandenong VIC

An impromptu search for slugs at 12 Zenith Rd Dandenong VIC on 7:30pm 12<sup>th</sup> May 2019, after rain, found 7 *L. nyctelia* on the grass at the front of that location. Specimens were collected and have been preserved (70% ethanol), with one dissected to confirm species identification (Nash 25<sup>th</sup> May 2019). Despite *L. nyctelia* being observed on grass, none were found in any of the concrete drainage areas. However, gully traps were sealed and the cleaning systems involving flushing with hot (70 °C), chlorinated water, which could explain why no slugs could enter the drainage system. No other slugs were found, and the pest control records presented to M Nash (12 May 2019) indicated no evidence of slugs in rat bait stations (number 12 & 13) for 2019, which is directly outside the area where the one individual slug was alleged to be found on 18<sup>th</sup> Feb 2019.

#### Slug life history – two species associated with buildings

Like all slug species, *L. maximus* and *L. flavus* are hermaphrodites that require moist conditions for individuals to be active, feed and breed (Crawford 1972). Under hot, dry conditions slugs slow metabolism, and remain inactive in moist refuges until suitable conditions prevail. Rollo (1982) found *L. maximus* individuals are active at temperatures between 4 – 19 °C with slugs returning to shelter at 18 °C and activity was greatest under low light conditions. However, in a recent study the positive relationship between *L. maximus* activity and solar-radiation in OD-models contradicts



previous literature that slugs are active under dark conditions (Morii *et al.* 2018). Morii *et al.* (2018) supports previous findings that slugs are generally active at higher temperature up to a maximum threshold, higher humidity and lower wind velocity. In isolation, once evaporation rates were greater than  $0.6 \text{ mm}^3 / \text{min}$  individual *L. maximus* activity ceased (Rollo 1982).

*Limax maximus* prefers habitats modified by humans preferring damp, shaded places such as beneath rocks or vegetation. They are nocturnal in nature and have a very developed homing behaviour. The diet includes fungi, decaying plant material, green plants and other slugs. The total number of eggs laid by this species throughout its lifetime is roughly 650-850. Mating occurs in spring and autumn, with eggs taking 1 month to hatch and reach sexual maturity after 2 years. They have a lifespan of approximately three to four years. *Limax maximus* is commonly recorded from around the greater Melbourne area (Fig 1a), with 38 records out of 426 for February.

*Limacus flavus*, also referred to previously in Australia as *Lehmannia flava*, prefers dark, moist habitats, ranging from compost piles, gardens and woodlands to greenhouses. Their diet includes lichen, fungi and plant material. This species has been reported as an occasional pest in gardens. The total number of eggs laid by this species throughout its lifetime is roughly 60-140. *Limacus flavus* is commonly recorded from around the greater Melbourne area (Fig 1b), with only 2 out of 69 records for February.

Given the life history information available, it is highly improbable that slugs would be active in southern Australia during summer and autumn periods, prior to season breaking rains.

Occurrence records map (426 records)



Occurrence records map (69 records)



Figure 1. Distribution records from Atlas of Living Australia (<https://bie.ala.org.au/species> accessed 31 May 2019) for a/ *Limax maximus* and b/ *Limacus flavus*

Conditions at 12 Zenith Rd Dandenong VIC

In 2019 record dry conditions were recorded from January – April, suggesting slugs would not be active. Data from Moorabbin Airport BoM station 086077 (data accessed 28 May 2019) indicates declining moisture availability and increasing temperatures from the 18<sup>th</sup> Feb 2019 (Fig. 2). Further, being windy on Feb 18<sup>th</sup> conditions were not suitable for *L. maximus* activity: WSW 20 km/hr @ 9am and S 22 km/hr @ 3pm with gusts up to 46 km/hr. The minimum temperature on the 18<sup>th</sup> Feb was 18.5 °C, which is above 18°C where *L. maximus* seeks shelter (Rollo 1982).

As the air within the room at the facility 12 Zenith Rd where a slug was alleged to have entered is circulated with outside air ever 90 sec (*I Cook pers coms*) it is not possible for slugs to remain active under those conditions as recorded at Moorabbin Airport BoM station 086077 on the date in question.

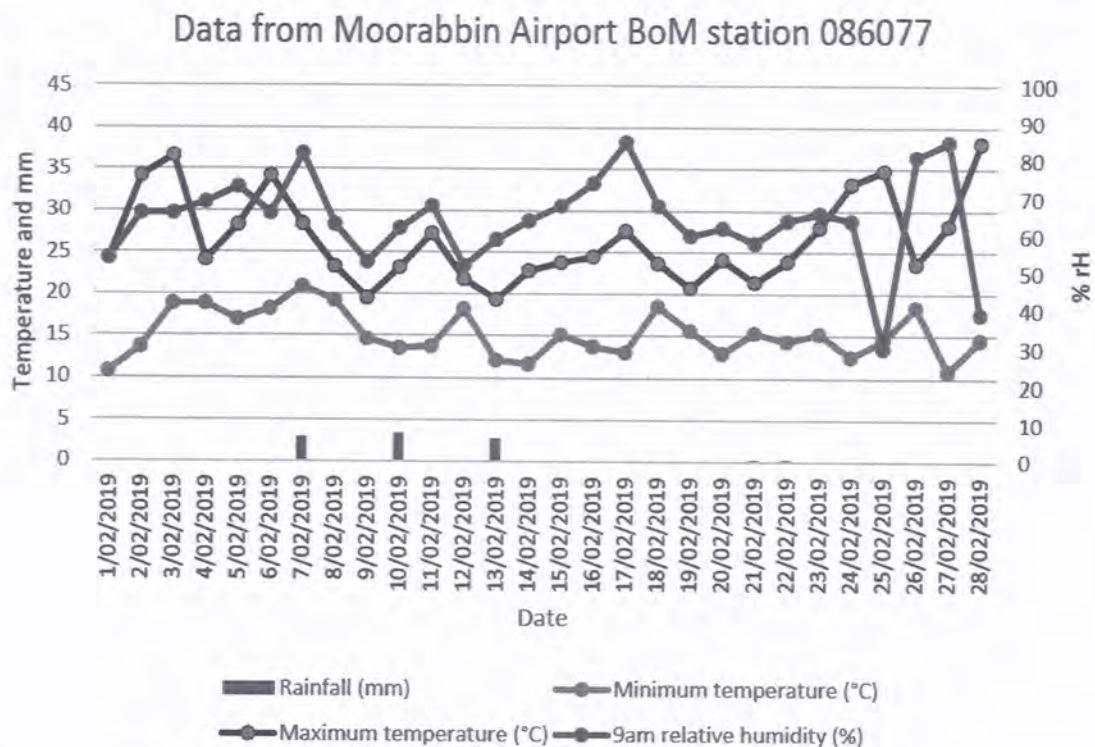


Figure 2. Climatic conditions from the nearest Australian Bureau of Meteorology weather station (086077) to 12 Zenith Rd Dandenong VIC.



## Conclusions

Despite a different species of slug being found outside 12 Zenith Rd Dandenong VIC in May, there is an extremely low probability of any individual ever entering the building for the following reasons:

Processes are in place to eliminate slugs entering on produce.

Conditions inside the facility do not provide suitable refuges; i.e. surfaces are regularly washed with chlorinated water, drains are sealed, air flow is maintained.

Specific to allegedly finding an individual slug on Feb 18<sup>th</sup> 2019:

Why was only 1 found when we know the alleged species return to damp refuges and congregates with others?

The weather conditions were too hot and dry on that day that are not suitable for slug activity, especially during the middle of the day.

Why was no specimen kept?

There was no evidence of slug activity, as part of other pest management protocols.

Based on the above information, there is an extremely low probability of any slug entered buildings at 12 Zenith Rd Dandenong VIC on the 18<sup>th</sup> Feb 2019.

This report was based on information made available by third parties and prepared by [REDACTED] acting in good faith. Dr [REDACTED] will not be held liable for any recommendations nor advice taken from this report.

## References cited in the text

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# “Slug Report” Hayes Pest Control



P.O Box 4353  
Wantima South 3152  
ABN 48 076 700 000



Phone: 1300 55 33 65  
Fax: 9801 3201  
Email:  
info3@hayespestcontrol.com.au

Friday March 29, 2019

To whom it may concern,

Our service technician, [REDACTED], carried out the scheduled pest service at I Cook on Friday February 15, 2019.

In the pest report, #27171, there was no mention of slug activity. The temperature that day was warm. If we had any slug activity in our rodent bait stations, they would have died or dried up as the colour of the external rodent bait stations are black, which means they retain heat and the month of February has been very hot.

The area at the rear of the I Cook building (south end) is currently very dry and slugs rely on a wet environment.

Regards,

[REDACTED]

Director



Elizabeth Garlick's  
investigation notes  
showing she  
considered to bring  
charges against Ian  
Cook that would result  
in jail time



**MEETINGS**

COMPANY : Cook foods Timeline of Involvement

DATE

CONTACT(S)

VENUE

PERSONS ATTENDING

DISCUSSION / OBJECTIVES DELEGATED TO DEADLINE

18/02/2019

I received notification of the alleged food poisoning incident on 18/02/2019 at approximately [redacted] officer S.33(1) informed me that officer S.33(1) had taken swabs and food samples from the Premises known as 1 Cook foods on 01/02/2019, and that ~~the~~ a number of these samples had returned positive results for *Listeria monocytogenes*.  
 Officer S.33(1) requested that I attend the premises and instruct them to conduct a listeria clean up, as well as conduct an inspection to investigate possible sources.  
 I attended at approximately 11:50 am to conduct the inspection/investigation.

18/02/2019 11:50am - Attended premises

8:41am Called B Cook + left message re meeting reschedule  
 8:42am Called [redacted] - 1 Cook - rescheduled meeting for 10:30am  
 10:55 am - Attended premises - served S.19(2) + S.19W  
 1:39 pm - Email received from Mr B Cook  
 3:32 pm - Email sent to Mr B Cook with further info  
 2:07 pm Spoke Called [redacted] Audit services - spoke to S.33(1)

19/02/2019

**MEETINGS**

COMPANY

DATE

CONTACT(S)

VENUE

PERSONS ATTENDING

DISCUSSION / OBJECTIVES

DELEGATED TO

DEADLINE

Jan '19 → 1 Cook had positive for L. Fegging x 2 days later

LM has come back by 01/02/2019

- check last audit by the chap that went overseas.

+ L or notify council + auditor conduct cleanup.

what was this in ???  
 Check date of this + does it correspond with patient admission to hospital.  
 - off was not affected by fogging

\* include discussion in statement about the flooding outside that came in and went beneath the slab  
 \ check if this is already in there


\* Audit Report → does this support the ~~knave~~ "knowingly" component of section 8 of Act?

can ~~we~~ we get a closure order enforced by magistrate?

under Public Health + Wellbeing Act Prohibition Notice?

anything from Planning Compliance to stop there operating?



Email where  
“independent” auditor  
 offers to  
alter his report to  
serve the Department

S.33(1)

**From:** S.33(1)  
**Sent:** Wednesday, 13 March 2019 8:31 AM  
**To:** S.33(1)  
**Subject:** FW: Draft Critical N/C for I Cook Foods  
**Attachments:** 2019 03 12 ICF Form 2 Notice of Critical NC to proprietor.docx; PastedGraphic-1.tiff

This is the draft report

**From:** S.33(1)@gourmetguardian.com.au>  
**Sent:** Tuesday, 12 March 2019 9:38 PM  
**To:** S.33(1)@cgd.vic.gov.au>; S.33(1)@dhhs.vic.gov.au>  
**Subject:** Re: Draft Critical N/C for I Cook Foods

Further to my original email, I have included a couple of dot points to summarise why the FSP was not compliant. Please see **attached**.

The only changed section is the yellow highlighted area.

Eat well. Eat safe!

S.33(1)

p.s. Did you hear about the Melbourne restaurant that was fined \$50,000.00 (plus court costs) on the 17.12.2018 for serving a meal containing an allergen to a customer with a known and communicated food allergy?

Did you know that to help the food service sector, we have an online course that educates and empowers food service employees (both front of house and back of house) to know and understand the main food allergens and intolerances in their businesses (including the new allergen Lupin), as well as providing multiple methods of collecting and collating accurate information to customers (including an allergen matrix that many council health officers recommend).

You can view a sample of the online course here: <https://vimeo.com/60724899>.

Please contact our office at [admin@GourmetGuardian.com.au](mailto:admin@GourmetGuardian.com.au) if you would like to arrange a face to face course, or an enrolment to the online course.

On 12 Mar 2019, at 21:22, S.33(1)@gourmetguardian.com.au> wrote:

Hi S.33(1) and S.33(1),

Please read the **attached** the draft Critical N/C Certificates and let me know if there is anything else I need to add, or parts that I need to remove.

I will print and sign a copy and through to you as soon as you have reviewed.

Eat well. Eat safe!



The 96 charges  
brought against I Cook  
Foods and Ian Cook  
and were  
subsequently dropped

CHARGE-SHEET AND SUMMONS (CORPORATE ACCUSED)

**TO THE CORPORATE ACCUSED:**  
 I Cook Foods Pty Ltd  
 ACN 094 392 060  
 Factory 2, 12 Zenith Road  
 Dandenong South VIC 3175

Registration Number:  
 ACN 094 392 060

State:  
 Vic

You have been charged with an offence. Read these pages to see what you must do.

**Details of the charge against you**

What is the charge? (1) On or about 22 February 2019, at Dandenong South, the Accused sold to Whitehorse City Council food that was unsuitable.  
 Particulars:  
 Vegetable satay and peanut garnish was sold to Whitehorse City Council for its 'meals on wheels' service. Sampling of the food returned a positive test result for the presence of Listeria monocytogenes in the food.

If you do not appear in answer to a summons and the charge is an indictable offence that may be determined summarily the Magistrates' Court may hear and determine the charge in your absence. If you do not appear in answer to a summons for an indictable offence the Magistrates' Court may conduct a committal proceeding in your absence.

Under what law?  State  Act  Commonwealth  Regulation  Other (specify)  
 Act or Regulation No. 10082/1984  
 Section or Clause 12(2)

Is this an infringement offence?  Yes  No - See below (Type of Offence)  
 Enforcement Review  Infringements Act 2006 section 40  Other (specify)  
 Enforcement Review - special circumstances

Date of Service by the Director Fines Victoria

Are there more charges?  No  Yes - see 'Continuation of Charges' attached

Type of Offence  Summary Offence  Indictable Offence

Request for committal proceeding  No  Yes

**Who filed the charge-sheet(s)?**

Informant Leanne Johnson

Agency Greater Dandenong City Council  
 C/- Russell Kennedy Lawyers

Agency Ref: MPH 302922-00046

Address PO Box 5146  
 Melbourne Vic 3001

Phone No: (03) [REDACTED]

Email [REDACTED]

Fax No: (03) [REDACTED]

Signature of Informant [REDACTED]

Date: 22/5/19

Filed at: MELBOURNE

Date: 23 MAY 2019

**Where will the case be heard?**

Where you must go The Magistrates' Court at Dandenong

Address 35 Pultney Street, Dandenong

Phone No: (03) 9767 1300

When Time 9:30 am Day 1st Month AUGUST Year 2019

**Details about this summons**

Issued at Melbourne Magistrates' Court

Date 23 MAY 2019

Issued By (Signature) [REDACTED]

Registrar  Magistrate  
 Prescribed Person



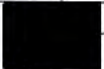


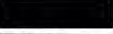

Continuation of Charges

Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

Details of the charge against you			
What is the charge?	<p><b>(2)</b> On or about 22 February 2019, at Dandenong South, the Accused in the course of carrying on a food business supplied food by way of sale to Whitehorse City Council that was not of the nature or substance demanded by the purchaser.</p> <p><u>Particulars:</u> Vegetable satay and peanut garnish food was sold to Whitehorse City Council for its 'meals on wheels' service. Sampling of the food returned a positive test result for the presence of Listeria monocytogenes in the food. Whitehorse City Council demanded the supply of food that complies with the Food Act 1984.</p>		
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <p>10082/1984</p> Section or Clause <p>14(1)</p>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence		
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)		
Date of Service by the Director Fines Victoria			
Details of the charge against you			
What is the charge?	<p><b>(3)</b> On 18 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 7(1)(b)(i) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business.</p> <p><u>Particulars:</u> All necessary steps to prevent the likelihood of food being contaminated were not taken. Staff using a hose to pressure wash food handling equipment and food preparation surfaces in close proximity to food handling activities. Water and aerosols from this activity were being distributed in the area, with the contamination of the food handling processes and surfaces likely to have occurred. Cleaning staff were observed pressure washing the bank of ovens, then moving back through the area, pressure washing the food preparation benches. Cleaning was observed to be done in such a way that as the staff moved through the food preparation area, the air flow and their method/direction of cleaning caused the spray from the pressure washing hose to re-contaminate the equipment that had already been cleaned. A staff member observed working on weighing and packaging mixed potato was observed to be wearing a loose necklace that repeatedly came untucked from her clothing. Waste bins were observed to be stored in close proximity to food processing, packaging and/or handling equipment.</p>		
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <p>10082/1984</p> Section or Clause <p>16(1)</p>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence		
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)		
Date of Service by the Director Fines Victoria			
Are there more charges?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - see page no. 3		
Signature of Informant:	[Redacted]		
Agency:	Greater Dandenong City Council	Agency Ref:	MPH 302722-00046
Address:	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) [Redacted]
Email:	[Redacted]	Fax No:	(03) [Redacted]
Signature of Registrar:	[Redacted]	Date:	23 MAY 2019
Filed at:	MELBOURNE	Date:	23 MAY 2019



Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

Details of the charge against you			
What is the charge?	<p>(4) On the 18 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 21(1) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business.</p> <p><u>Particulars:</u>                      The floor in the premises was not maintained in a good state of repair and working order having regard to its use. The flooring throughout the premises was in an advanced state of wear, with large sections of flooring worn away, chipped, cracked and broken. Loose pieces of flooring were observed in a number of food preparation areas. All fixtures, fittings and equipment were not maintained in a good state of repair and working order having regard to their use. Plastic door stripping at doors was in a damaged condition. A large soaking unit in the main food preparation area was broken and was full of waste water that contained visible grease and food particles. A stainless steel topped food preparation bench was observed to have a damaged and deteriorated chipboard base underneath. Several chopping boards were in varying states of repair. In the scullery area, the silicone join between the wall surfaces and the bench top were in an advanced state of wear. Worn/damaged containers and jugs present in the plating/packing area. The wall surfaces in the scullery area were damaged and were not smooth.</p>		
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. 10082/1984 Section or Clause 16(1)
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence		
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act: 2006 section 4G <input type="checkbox"/> Other (specify)		
Date of Service by the Director Fines Victoria			
Are there more charges?	<input type="checkbox"/> No / <input checked="" type="checkbox"/> Yes - see page no. 4		
Signature of Informant:			
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) 
Email		Fax No:	(03) 
Signature of Registrar:		Date:	23 MAY 2019
Filed at:	MELBOURNE	Date:	23 MAY 2019



Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

Details of the charge against you				
What is the charge?	<p>(5) On 18 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 19(2) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business.</p> <p><u>Particulars:</u>                      A build up of dirt, debris, residue and other matter was observed on a number of fittings, fixtures and equipment throughout the premises. Trolleys in an unclean condition were observed throughout the premises. A number of the sets of plastic door stripping at doors were in an unclean condition. Accumulation of debris and food residue on chopping boards. Visible residue on open box of food handling gloves. Unclean and worn/damaged containers and jugs present in the plating/packing area. -Debris and residue observed on a number of stainless steel trays. An accumulation of dust and debris on the fan unit on a ceiling within the hospital food preparation area. In the scullery area, the mechanical exhaust hood was in an unclean condition with debris visible on the surface.</p>			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10062/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Details of the charge against you				
What is the charge?	<p>(6) On 18 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 15(1)(a) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business.</p> <p><u>Particulars:</u>                      A food handler when engaging in a food handling operation did not take all practicable measures to ensure that anything he or she is wearing does not contaminate food or surfaces likely to come into contact with food - a staff member working on weighing and packaging mixed potato was observed to be wearing a loose necklace that repeatedly came untucked from her clothing.</p>			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Are there more charges?	<input type="checkbox"/> No / <input checked="" type="checkbox"/> Yes - see page no. 5			
Signature of Informant:	[Redacted]			
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046	
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) [Redacted]	
Email	[Redacted]	Fax No:	2 (03) [Redacted]	
Signature of Registrar:	[Redacted]	Date:	23 MAY 2019	
Filed at:	MELBOURNE	Date:	23 MAY 2019	



Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

Details of the charge against you				
What is the charge?	(7) On 18 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 15(2)(a) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> A staff member was observed weighing mixed potato, then moving the scales and touching other surfaces and then returning to working with the mixed potato without washing her hands when her hands were likely to be a source of contamination of food.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Details of the charge against you				
What is the charge?	(8) On 18 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 15(3)(a) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> A staff member was observed weighing mixed potato, then moving the scales and touching other surfaces and then returning to working with the mixed potato without washing her hands when her hands when she should have washed her hands before re-commencing handling food.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Are there more charges?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - see page no. 6			
Signature of Informant:	[REDACTED]			
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046	
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) [REDACTED]	
Email	[REDACTED]	Fax No:	(03) [REDACTED]	
Signature of Registrar:	[REDACTED]			
Filed at:	MELBOURNE	Date:	23 MAY 2019	
		Date:	23 MAY 2019	



Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175


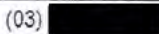
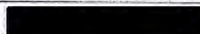


Details of the charge against you			
What is the charge?	(9) On 18 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 13 of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> A food handler did not take all reasonable measures not to handle food or surfaces likely to come into contact with food in a way that is likely to compromise the safety and suitability of food, in that a staff member cleaning the food preparation benches with a sponge was observed to drop the sponge on the floor and then pick up the sponge from the floor and then continue using the sponge to clean the benches.		
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>
	Section or Clause <b>16(1)</b>		
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence		
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)		
Date of Service by the Director Fines Victoria			
Details of the charge against you			
What is the charge?	(10) On 18 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 24(1)(a) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> A live animal (a slug) was observed on the floor of the food preparation area where food products were being stored.		
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>
	Section or Clause <b>16(1)</b>		
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence		
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)		
Date of Service by the Director Fines Victoria			
Are there more charges?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - see page no. 7		
Signature of Informant:	[REDACTED]		
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) [REDACTED]
Email	[REDACTED]	Fax No:	(03) [REDACTED]
Signature of Registrar:	[REDACTED]	Date:	23 MAY 2019
Filed at:	MELBOURNE	Date:	23 MAY 2019



Details of the charge against you				
What is the charge?	(11) On 18 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 24(1)(b) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> All practicable measures to prevent pests from entering the food premises were not taken – a live slug was observed on the floor of the food preparation area.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review – special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Details of the charge against you				
What is the charge?	(12) On 18 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 19(1) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> The food premises was not maintained to the required standard of cleanliness. Water was observed to be ponding on the floor beneath food storage containers in the food storage area, as well as beneath trolleys storing equipment on the flooring in front of the blast chillers within the main production area. In the hospital food preparation area, the silicone joint between the wall and bench surfaces behind the bowl sink was in an unclean and worn state. The wall surfaces in the scullery area were damaged, in an unclean condition. In the scullery area, the silicone joint between the wall surfaces and the bench top was in an advanced state of wear and was unclean. In the scullery area, there was an accumulation of food residue, dirt and debris on the flooring beneath the dishwashing unit. There was a general build-up of debris and food residue on the flooring of the cool rooms.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review – special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Are there more charges?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - see page no. 8			
Signature of Informant:	[Redacted]			
Agency	Greater Dandenong City Council C/- Russell Kennedy Lawyers	Agency Ref:	MPH 302922-00046	
Address	PO Box 5146 Melbourne Vic 3001	Phone No:	(03) [Redacted]	
Email	[Redacted]	Fax No:	(03) [Redacted]	
Signature of Registrar:	[Redacted]	Date:	23 MAY 2019	
Filed at:	MELBOURNE	Date:	23 MAY 2019	



Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175


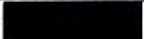
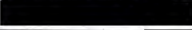

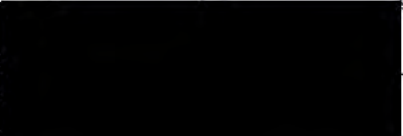
Details of the charge against you				
What is the charge?	(13) On 18 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 10(2)(c) of Standard 3.2.3 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> Floors were laid such that there was ponding of water. Water was observed ponding on the floor beneath food storage containers in the food storage area, as well as beneath trolleys storing equipment on the flooring in front of the blast chillers within the main production area.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Details of the charge against you				
What is the charge?	(14) On 18 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 17(1)(a) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> Easily accessible hand washing facilities were not maintained. The hand wash basin in the hospital food preparation area was observed to be not functional. In the plating/packing area, the two hand wash basins in the area were located at opposite ends of the work area and both were obstructed with pieces of equipment, preventing staff from gaining easy access for hand washing.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Are there more charges?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - see page no. 9			
Signature of Informant:				
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046	
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) 	
Email		Fax No:	(03) 	
Signature of Registrar:			Date:	23 MAY 2019
Filed at:	MELBOURNE	Date:	23 MAY 2019	



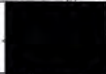




## Continuation of Charges

Page No: 9 of 27

Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

Details of the charge against you				
What is the charge?	(15) On 18 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 17(1)(b)(i) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> A supply of warm running water was not maintained at the hand wash basin in the hospital food preparation area. The hand wash basin was observed not to be functional.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence		<input type="checkbox"/> Indictable Offence	
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Details of the charge against you				
What is the charge?	(16) Between 18 February 2019 and 22 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 12(2)(b) of Standard 3.2.3 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> In the scullery area, there was a high pressure hose observed tied to the legs of the bench in a manner that it did not allow it to be removed for cleaning.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence		<input type="checkbox"/> Indictable Offence	
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Are there more charges?	<input type="checkbox"/> No / <input checked="" type="checkbox"/> Yes - see page no. 10			
Signature of Informant:				
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046	
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) 	
Email		Fax No:	(03) 	
Signature of Registrar:			Date:	23 MAY 2019
Filed at:	MELBOURNE	Date:	23 MAY 2019	



Details of the charge against you				
What is the charge?	(17) On 18 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with Standard 1.2.5 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> Pouches of Scotch Broth Soup were stored in bread crates within a cool room and were labelled with the production date being "18/2" with a use by of "48 Hours from Delivery", when an actual use by date needs to be specified.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Details of the charge against you				
What is the charge?	(18) Between 18 February 2019 and 22 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 12(1)(b) of Standard 3.2.3 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> Equipment was not fit for its intended use, in that a large number of yellow crates were being used for the storage of bagged food products. The crates were of a construction that had holes and gaps in the surfaces that did not allow for effective cleaning of the crates.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Are there more charges?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - see page no. 11			
Signature of Informant:				
Agency Address	Greater Dandenong City Council C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Agency Ref:	MPH 302922-00046	
Email		Phone No:	(03) 	
Signature of Registrar:		Fax No:	(03) 	
Filed at:	MELBOURNE	Date:	23 MAY 2019	
		Date:	23 MAY 2019	



## Continuation of Charges

Page No: 11 of 27

Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

## Details of the charge against you

What is the charge? **(19)** On 18 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 6(1)(a) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business.

Particulars:

Food was not stored in such a way that it was protected from the likelihood of contamination. In the cool rooms, there were a number of trolleys containing uncovered food products, including meat products, gravy, carrot, cauliflower and what appeared to be an egg mix. In the warehouse, a damaged can of vegetable oil was observed stored on a crate amongst other cans of oil.

Under what law?  State  Commonwealth  Act  Regulation  Other (specify) Act or Regulation No. **10082/1984** Section or Clause **16(1)**

Type of Offence  Summary Offence  Indictable Offence

Request for committal proceeding  No  Yes

Is this an infringement offence?  Yes  No - See below (Type of Offence)  Enforcement Review  Enforcement Review - special circumstances  Infringements Act 2006 section 40  Other (specify)

Date of Service by the Director Fines Victoria

## Details of the charge against you

What is the charge? **(20)** Between 18 February 2019 and 22 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 13(2) of Standard 3.2.3 of the Food Standards Code in relation to the conduct of the food business.

Particulars:

The condensate outlets for the cool rooms were not connected to a sewage and wastewater disposal system. The condensate was piped to the wall directly adjacent to the loading bay and car park, where the water was being discharged directly onto the pavement and was flowing across this space to pool beneath parked cars and stacks of wooden pallets

Under what law?  State  Commonwealth  Act  Regulation  Other (specify) Act or Regulation No. **10082/1984** Section or Clause **16(1)**

Type of Offence  Summary Offence  Indictable Offence

Request for committal proceeding  No  Yes

Is this an infringement offence?  Yes  No - See below (Type of Offence)  Enforcement Review  Enforcement Review - special circumstances  Infringements Act 2006 section 40  Other (specify)

Date of Service by the Director Fines Victoria

Are there more charges?  No  Yes - see page no. 12

Signature of Informant:

Agency: Greater Dandenong City Council  
C/- Russell Kennedy Lawyers  
Address: PO Box 5146  
Melbourne Vic 3001

Agency Ref: MPH 302922-00046

Phone No: (03) [REDACTED]

Email: [REDACTED]

Fax No: (03) [REDACTED]

Signature of Registrar:

Date: 23 MAY 2019

Filed at: MELBOURNE

Date: 23 MAY 2019



## Continuation of Charges

Page No: 12 of 27

Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

Details of the charge against you				
What is the charge?	(21) On 18 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 6(a) of Standard 3.2.3 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> Adequate garbage storage facilities were not provided to adequately contain the volume and type of garbage and recyclable matter on the food premises – an uncovered and overloaded waste bin was being stored in the outside area.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review – special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Details of the charge against you				
What is the charge?	(22) On 18 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 17(1)(d)(i) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> Single use towels or other means of effectively drying hands were not provided in the staff toilets.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review – special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Are there more charges?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - see page no. 13			
Signature of Informant:	[REDACTED]			
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046	
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) [REDACTED]	
Email	[REDACTED]	Fax No:	(03) [REDACTED]	
Signature of Registrar:	[REDACTED]	Date:	23 MAY 2019	
Filed at:	MELBOURNE	Date:	23 MAY 2019	



## Continuation of Charges

Page No: 13 of 27

Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

Details of the charge against you			
What is the charge?	<p><b>(23)</b> On 20 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 19(2) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business.</p> <p><u>Particulars:</u>            A build up of dirt, debris, residue and other matter observed on a number of fittings, fixtures and equipment throughout the premises. Trolleys in an unclean condition were observed throughout the premises. Debris and food residue observed on the internal surfaces of the slicing unit in the butcher area. Several chopping boards in varying states of wear. Food handling equipment being stored in the area designated for the storage of clean equipment was observed to have debris and food residue present on the surface of a number of items. A number of plastic containers used for food storage within the food preparation and storage areas were in an unclean condition, with dirt, debris and sticker residue having accumulated on the surface. Residue and condensate observed to be present on the edge of the mechanical exhaust hood directly above where washed equipment comes out of the machine. Spray bottles containing sticker residue were in an unclean condition in the plating/packing area. A number of chemical containers stored in the chemical storage area were in an unclean condition. Water pooling between the stainless steel bench and conveyor belt where sandwiches are made, providing an environment to potentially harbour pathogens. Debris and food residue present on the internal surfaces of the slicing unit. A build up of slime like residue was observed on the surface of the bench beneath the bread crates used in the scullery area. Dirty plastic cover over what appeared to be a switch on the wall above the dishwasher. Dirty stainless steel trays with food residue present after use. A number of food handling utensils stored in the hospital food area were in an unclean condition. Debris and residue located on the cutting blades of a large Felix slicing unit. Bowl cutting unit observed to have a build-up of residue on the internal blades.</p>		
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b> Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence		
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review – special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)		
Date of Service by the Director Fines Victoria			
Are there more charges?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - see page no. 14		
Signature of Informant:	[REDACTED]		
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) [REDACTED]
Email	[REDACTED]	Fax No:	(03) [REDACTED]
Signature of Registrar:	[REDACTED]	Date:	23 MAY 2019
Filed at:	MELBOURNE	Date:	23 MAY 2019



Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

Details of the charge against you			
What is the charge?	<p><b>(24)</b> On 20 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 7(1)(b)(i) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business.</p> <p><u>Particulars:</u> All necessary steps to prevent the likelihood of food being contaminated were not taken. During the cleaning process, staff members were observed cleaning in a manner that was likely re-contaminating surfaces that had already been cleaned. A pressure hose was being used to wash down unclean benches, however this was being done in such a manner as the spray was aimed in the direction of those benches that had already been cleaned. Waste bins were observed to be stored in close proximity to food processing, packaging and/or handling equipment.</p>		
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <p align="center"><b>10082/1984</b></p>
	Section or Clause <p align="center"><b>16(1)</b></p>		
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence		
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review – special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)		
Date of Service by the Director Fines Victoria			
Are there more charges? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - see page no. 15			
Signature of Informant:	[Redacted]		
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) [Redacted]
Email	[Redacted]	Fax No:	(03) [Redacted]
Signature of Registrar:	[Redacted]	Date:	23 MAY 2019
Filed at: MELBOURNE	[Redacted]	Date:	23 MAY 2019



Details of the charge against you			
What is the charge?	<p><b>(25)</b> On 20 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 21(1) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business.</p> <p><u>Particulars:</u>            The premises, all fixtures, fittings, and equipment, having regard to their use were not maintained in a good state of repair and working order having regard to their use. The surface of the large mixing unit in the butcher area was in a state of wear, with the surface observed to be peeling off. In the main food preparation area, there was a stainless steel food tray containing a green liquid on the floor below the texture modified meal forming machine – the machine had a coolant leak and the tray was collecting the fluid. Tub of water located directly next to the cook tops was in a poor state of wear, as was the jug that was being stored on the side of the tub. Several chopping boards in varying states of wear – some had surface peeling and deep gouges. The lid of the bulk sugar container was broken, with a section of the plastic lid missing. Worn and damaged food handling equipment was observed in the scullery area. A number of food handling utensils stored in the scullery area were in an advanced state of deterioration, worn and damaged. The belt on the conveyor belt for sandwiches had visible damage to its surface. Tub on trolley observed to be broken with large sections of plastic coming away at the top of the tub. Deteriorated wooden handle on a metal spatula sitting in a plastic container.</p>		
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>
			Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence		
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review – special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)		
Date of Service by the Director Fines Victoria			
Are there more charges?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - see page no. 16		
Signature of Informant:	[REDACTED]		
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) [REDACTED]
Email	[REDACTED]	Fax No:	(03) [REDACTED]
Signature of Registrar:	[REDACTED]	Date:	23 MAY 2019
Filed at:	MELBOURNE	Date:	23 MAY 2019



## Continuation of Charges

Page No: 16 of 27

Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

Details of the charge against you				
What is the charge?	(26) On 20 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 6(1)(b) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> Food was not stored in such a way that the environmental conditions under which it is stored will not adversely affect the safety and suitability of the food in that two previously opened bottles of sauce (Worcestershire and soy) were being stored on shelving in the food storage area, the labels of which stated that they required refrigeration after opening and the area in which they were being stored was not refrigerated.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence); <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Details of the charge against you				
What is the charge?	(27) On 20 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 19(1) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> The premises was not maintained to the required standard of cleanliness. Water was observed ponding on the floor in front of the blast chiller units. Dirt and debris was observed on the flooring behind the blast chiller units and well as the bank of ovens and the Bratt Pan. Wall surfaces in the scullery area were damaged, in an unclean condition. The silicone join in the scullery area between the wall surfaces and the benchtop was in an advanced state of war and was unclean and mouldy. Unclean plastic stripping was present in the space between the chemical storage area and the external roller door. In the hospital food preparation area, the silicone join between the wall and the bench surfaces behind the double down sink was in an unclean state. Metal screw observed on the floor in the butcher area beneath the double sink. Build up of dust and debris within the mechanical exhaust hood above the dishwasher in the scullery as well as on the wall below.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence); <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Are there more charges?	<input type="checkbox"/> No, <input checked="" type="checkbox"/> Yes - see page no. 17			
Signature of Informant:	[REDACTED]			
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046	
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) [REDACTED]	
Email	[REDACTED]	Fax No:	(03) [REDACTED]	
Signature of Registrar:	[REDACTED]	Date:	23 MAY 2019	
Filed at:	MELBOURNE	Date:	23 MAY 2019	



Continuation of Charges

Page No: 17 of 27

Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

Details of the charge against you				
What is the charge?	(28) On 20 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 17(1)(a) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> Easily accessible hand washing facilities were not maintained. The hand wash basin in the hospital food preparation area was observed to be not functional.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence		<input type="checkbox"/> Indictable Offence	
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Details of the charge against you				
What is the charge?	(29) On 20 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 17(1)(b)(i) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> A supply of warm running water was not maintained at the hand wash basin in the hospital food preparation area. The hand wash basin was observed not to be functional.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence		<input type="checkbox"/> Indictable Offence	
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Are there more charges? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - see page no. 18				
Signature of Informant: [Redacted]				
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046	
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) [Redacted]	
Email	[Redacted]	Fax No:	(03) [Redacted]	
Signature of Registrar: [Redacted]				
Filed at:	MELBOURNE	Date:	23 MAY 2019	
		Date:	23 MAY 2019	



Continuation of Charges

Page No: 18 of 27

Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

Details of the charge against you			
What is the charge?	<p><b>(30)</b> On 20 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 6(1)(a) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business.</p> <p><u>Particulars:</u> Food was not stored in a way that it was protected from the likelihood of contamination, in that inside 'Freezer 6', a trolley was observed containing a food product which appeared to be a baked product that was not covered or protected from contamination.</p>		
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <p>10082/1984</p> Section or Clause <p>16(1)</p>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence		
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)		
Date of Service by the Director Fines Victoria			
Details of the charge against you			
What is the charge?	<p><b>(31)</b> On 20 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 12(2)(a) of Standard 3.2.3 of the Food Standards Code in relation to the conduct of the food business.</p> <p><u>Particulars:</u> Oven units were installed in an area near the rear of the premises, in the area between the wall of the internal rooms within the warehouse and the roller door. These ovens were located and installed in a manner that they would cause food contamination. Dishwashing sinks were located in the same area where food is processed, increasing the risk of food being cross contaminated. A white hose in the hand wash basin in the main kitchen could potentially cross contaminate the hand wash basin and obstruct use.</p>		
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <p>10082/1984</p> Section or Clause <p>16(1)</p>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence		
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)		
Date of Service by the Director Fines Victoria			
Are there more charges?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - see page no. 19		
Signature of Informant:	[Redacted]		
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) [Redacted]
Email	[Redacted]	Fax No:	(03) [Redacted]
Signature of Registrar:	[Redacted]	Date:	23 MAY 2019
Filed at:	MELBOURNE	Date:	23 MAY 2019

2019






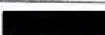

Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

Details of the charge against you				
What is the charge?	(32) On 20 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 12(2)(b) of Standard 3.2.3 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> Equipment, being a plastic container was secured to plastic crates with plastic quick ties that could not be removed for cleaning, meaning the equipment could not be easily and effectively cleaned.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				

Details of the charge against you				
What is the charge?	(33) On 21 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 19(2) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> Trolleys in an unclean condition were observed throughout the premises and were in various states of wear, including in the main food preparation areas as well as the cool rooms and freezer. Dust and debris was visible on the ceiling and wall surfaces, as well as fittings and fixtures. Included a speaker in the main food preparation area and a large piece of debris hanging from the ceiling in the hospital food preparation area above a food preparation bench. A gap between food preparation bench surfaces was observed to have a build up of debris and residue in the hospital food preparation area. Dust and debris was observed on the ceiling and fan units above the food preparation bench in the hospital food preparation area. A build up of moisture was observed in the light fitting in the hospital food preparation area. There was a roll of plastic wrap being stored on a shelf beneath a food preparation bench, which was observed to have debris and residue present on the surface of the plastic. In the butcher area, debris and residue was observed on the surfaces of food preparation equipment identified as being clean. Yellow waste bins were observed to be placed on top of a yellow waste bin. Wall mounted documents above a food preparation bench near the scullery area were observed to be in an unclean condition. Residue was present on the shelving used for food storage in the main food preparation area. Debris and residue was observed to be present on food handling containers.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				

Are there more charges?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - see page no. 20			
Signature of Informant:	[Redacted]			
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046	
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) [Redacted]	
Email	[Redacted]	Fax No:	(03) [Redacted]	
Signature of Registrar:	[Redacted]			
Filed at:	MELBOURNE	Date:	23 MAY 2019	
		Date:	23 MAY 2019	







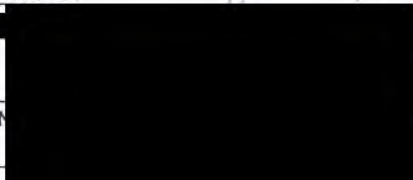
Details of the charge against you				
What is the charge?	(34) On 21 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 17(1)(a) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> The hand wash basin next to the mincing benches was partially obstructed with equipment. Easily accessible hand washing facilities were not maintained. The hand wash basin in the hospital food preparation area was observed to be not functional.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence		<input type="checkbox"/> Indictable Offence	
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Details of the charge against you				
What is the charge?	(35) On 21 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 8 of Standard 3.2.3 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> Lighting provided in the corner where the mincing units were located was not sufficient for areas where food handling is occurring.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence		<input type="checkbox"/> Indictable Offence	
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Are there more charges?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - see page no. 21			
Signature of Informant:				
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046	
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) 	
Email		Fax No:	(03) 	
Signature of Registrar:			Date:	23 MAY 2019
Filed at:	MELBOURNE	Date:	23 MAY 2019	



Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

Details of the charge against you				
What is the charge?	(36) On 21 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 21(1) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> Worn chopping boards were observed to be stored in the plating/packing area. A damaged knife was observed to be stored on a food preparation bench. A large tub of water used in the process of making soup was in a poor state of wear. A worn chopping board was observed to have been used to cur food product, possibly egg, with visible pieces of the chopping board peeling.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				

Details of the charge against you				
What is the charge?	(37) On 21 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 7(1)(b)(i) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> All necessary steps to prevent the likelihood of food being contaminated were not taken in that a worn chopping board was observed to have been used to cut food product, possibly egg with visible pieces of the chopping board peeling.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				


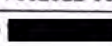
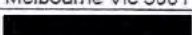

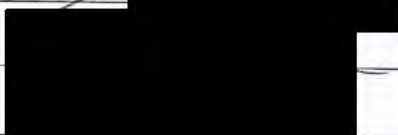
Are there more charges?	<input type="checkbox"/> No / <input checked="" type="checkbox"/> Yes - see page no. 22			
Signature of Informant:				
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046	
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) 	
Email		Fax No:	(03) 	
Signature of Registrar:				
Filed at:	MELBOURN	Date:	23 MAY 2019	
		Date:	23 MAY 2019	



## Continuation of Charges

Page No: 22 of 27

Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

Details of the charge against you			
What is the charge?	(38) On 21 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 19(1) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> The premises was not maintained to the standard of cleanliness required. The flooring in the main food preparation area was observed to be in an unclean condition, specifically beneath the shelving and behind cooking equipment. Plastic pieces present on the flooring beneath the texture modified food equipment ("Multivac").		
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b> Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence		
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)		
Date of Service by the Director Fines Victoria			
Details of the charge against you			
What is the charge?	(39) On 22 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 19(1) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> The premises was not maintained to the standard of cleanliness required. A number of plastic wall storage units had a build up of debris behind them, particularly on the wall outside the scullery area and on the wall within the hospital food preparation area. The wall surfaces in the scullery area were damaged, in an unclean condition and were not smooth. In the hospital food preparation area, the silicone join between the wall and sink was in an unclean condition, was not smooth and was peeling. The wall surface behind the ozone dispensing unit was in an unclean condition with a build up of dirt and residue present. The door and surrounding wall of 'Freezer 1' had a build up of dust and debris present on the surfaces. There was observed to be spilled food product on the ground in front of a waste bin in the loading bay / car park area.		
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b> Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence		
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)		
Date of Service by the Director Fines Victoria			
Are there more charges?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - see page no. 23		
Signature of Informant:			
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) 
Email		Fax No:	(03) 
Signature of Registrar:		Date:	23 MAY 2019
Filed at:	MELBOURNE	Date:	23 MAY 2019











## Continuation of Charges

Page No: 24 of 27

Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

Details of the charge against you			
What is the charge?	(41) On 22 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 21(1) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> The food premises and all fixtures, fittings and equipment was not maintained in a good state of repair having regard to their use. In the plating/packing area, one of the pieces of food processing equipment was observed to have a cracked/damaged screen. In the butcher area, the surface of the large mixing unit was worn and chipping, with peeling tape observed on the handle. Damaged and worn equipment and fixtures were observed in the main food preparation area. The right hand bowl of the cleaning sink in the scullery area had a broken drain insert. A broken blue container was being stored in the scullery area. A damaged food storage container was observed in 'Fridge 2'.		
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b> Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence		
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)		
Date of Service by the Director Fines Victoria			
Details of the charge against you			
What is the charge?	(42) On 13 March 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 19(1) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> The food premises was not maintained to the required standard of cleanliness. Spilt food product was seen on the floor underneath the shelving unit in the holding refrigerated room. Sticker labels stuck to the floor in the holding refrigerated room. Build up of dirt on the wall immediately above the splashback in the scullery area. In the scullery area - orange stained walls from the rust beneath the bench; black mould growing where two wall panels joined.		
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b> Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence		
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No - See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review - special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)		
Date of Service by the Director Fines Victoria			
Are there more charges?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - see page no. 25		
Signature of Informant:			
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) 
Email		Fax No:	(03) 
Signature of Registrar:	Date: 23 MAY 2019		
Filed at: MELBOURNE	Date: 23 MAY 2019		





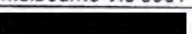






## Continuation of Charges

Page No: 26 of 27

Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

Details of the charge against you				
What is the charge?	(45) On 14 March 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 21(1) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> The food premises and all fixtures, fittings and equipment was not maintained in a good state of repair having regard to their use. Cool room next to the dry store with a crack in the floor surface. Dishwasher room with rusting surfaces on the edge of the metal sheets that lined the walls of the room. Trowel marks in the flooring that had been repaired underneath the hand wash basin that was not rendered smooth and impervious.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review – special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Details of the charge against you				
What is the charge?	(46) On 14 March 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with clause 19(1) of Standard 3.2.2 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> The food premises was not maintained to the required standard of cleanliness. Cool room located off the meals on wheels area with spilt food product on the floor. Dirty coving underneath a hand wash basin located next to the cooking equipment in the main kitchen. Dirty coving behind the bowl cutter in the butchery area.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence <input type="checkbox"/> Indictable Offence			
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review – special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Are there more charges?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes - see page no. 27			
Signature of Informant:				
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046	
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) 	
Email		Fax No:	(03) 	
Signature of Registrar:			Date:	23 MAY 2019
Filed at:	MELBOURNE	Date:	23 MAY 2019	



## Continuation of Charges

Page No: 27 of 27

Person charged: I Cook Foods Pty Ltd ACN 094 392 060, Factory 2, 12 Zenith Road, Dandenong South VIC 3175

Details of the charge against you				
What is the charge?	(47) On 27 February 2019, the Accused being the proprietor of the food business located at 2/12 Zenith Road, Dandenong South did fail to comply with Standard 3.2.1 of the Food Standards Code in relation to the conduct of the food business. <u>Particulars:</u> An audit undertaken by [REDACTED] DHHS Accredited Auditor identified that the Food Safety Program is not compliant.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>16(1)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence		<input type="checkbox"/> Indictable Offence	
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review – special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Details of the charge against you				
What is the charge?	(48) Between 20 February 2019 to 21 February 2019, the Accused, at Dandenong South contravened an order made under section 19(2) of the Food Act 1984. <u>Particulars:</u> A hand wash basin in the hospital food preparation area was required in an order made under section 19(2) of the Food Act 1984 on 19 February 2019 to be turned on and functional at all times on and from 19 February 2019. Inspections of the premises revealed that the hand was basin was not functional at the time of inspection.			
Under what law?	<input checked="" type="checkbox"/> State <input type="checkbox"/> Commonwealth	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Regulation <input type="checkbox"/> Other (specify)	Act or Regulation No. <b>10082/1984</b>	Section or Clause <b>19(7)</b>
Type of Offence	<input checked="" type="checkbox"/> Summary Offence		<input type="checkbox"/> Indictable Offence	
Request for committal proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
Is this an infringement offence?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – See below (Type of Offence) <input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review – special circumstances <input type="checkbox"/> Infringements Act 2006 section 40 <input type="checkbox"/> Other (specify)			
Date of Service by the Director Fines Victoria				
Are there more charges?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes -			
Signature of Informant:	[REDACTED]			
Agency	Greater Dandenong City Council	Agency Ref:	MPH 302922-00046	
Address	C/- Russell Kennedy Lawyers PO Box 5146 Melbourne Vic 3001	Phone No:	(03) [REDACTED]	
Email	[REDACTED]	Fax No:	(03) [REDACTED]	
Signature of Registrar:	[REDACTED]		Date:	23 MAY 2019
Filed at:	MELBOURNE	Date:	23 MAY 2019	



3<sup>rd</sup> report withheld for  
10 months

## Ben Cook

---

**From:** [REDACTED]  
**Sent:** Friday, 1 March 2019 3:23 PM  
**To:** ben@icookfoods.com.au; ian@icookfoods.com.au  
**Cc:** Leanne.Johnson@cgd.vic.gov.au  
**Subject:** Test Reports - Swabs and Food Samples taken by Dandenong City Council  
**Attachments:** test result 99992088929 mixed sandwiches.pdf; test result 99992088936\_unknown substance from machinery .pdf; test result 99992088950 mixed sandwiches .pdf; test result 99992088905 Mixed sandwiches.pdf; test result 99992088912 Mixed sandwiches.pdf; swab results taken 01.02.19.pdf

Dear Ben and Ian,

Just in case you have not received a copy of the reports

Please find food sample reports related to samples taken by Dandenong City council on the 21/02/19.

Please find attached environmental swabs reports taken Dandenong City council on the 1/02/19

These showed I.C.F to be <10cfu = Safe

We will forward the enumeration results of the positive food samples as soon as possible and the remaining environmental swabs samples that were taken on the 22/02/2019.

Kind Regards  
[REDACTED]

The swabs were not received until  
20.12.19

[REDACTED]  
Food Safety Unit | Health Protection Branch  
Department of Health and Human Services | 50 Lonsdale Street Melbourne Victoria 3000

[REDACTED]  
w. [www.health.vic.gov.au/foodsafety](http://www.health.vic.gov.au/foodsafety)



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# Microbiological Diagnostic Unit

Public Health Laboratory

Department of Microbiology and Immunology, University of Melbourne, VIC 3010



## RESULT REPORT

To: Senior Environmental Health Officer  
Greater Dandenong City Council  
PO Box 200  
DANDENONG VIC 3175

MDU Job ID: J2019-03237

Report ID: R2019-04684

Issue date: 1-Mar-2019

Main recipient: Senior Environmental Health Officer, Greater Dandenong City Council  
Copy to: Manager, Communicable Diseases Section, Department of Health & Human Services, Victoria

### Job details

Premises: Icook Foods 3175  
DH NIDS ID: 320192705523 (MDU No: 2019-01728)

### Sample details

Date collected: 22-Feb-2019 04:00  
Date received: 22-Feb-2019 15:02

Submitter's ID	MDU sample ID	Subm. specimen
1	2019-03848	SWAB - Bench at hand wash basin
2	2019-03849	SWAB - Bench at curtains
3	2019-03850	SWAB - Food preparation sink
4	2019-03851	SWAB - Bench at food preparation sink
5	2019-03852	SWAB - Leg of centre bench
6	2019-03853	SWAB - Treif blade
7	2019-03854	SWAB - Treif plate front
8	2019-03855	SWAB - Treif track
9	2019-03856	SWAB - Treif white guard
10	2019-03857	SWAB - Treif hook
11	2019-03858	SWAB - Treif hook handle
12	2019-03859	SWAB - Washed stainless steel tray
13	2019-03860	SWAB - Handle of drawer at bench at wall
14	2019-03861	SWAB - Food preparation sink drain
15	2019-03862	SWAB - Butcher area sink drain
16	2019-03863	SWAB - White chopping board
17	2019-03864	SWAB - Floor-sandwich area

Results on samples as received:

## FINAL RESULTS

Service 3203 *Listeria* species: isolation & identification [environmental swabs]

Date test started: 22-Feb-2019 16:00

Submitter's ID	<i>Listeria</i> species
1	Not detected
2	Not detected
3	Not detected
4	Not detected
5	Not detected
6	Not detected
7	Not detected
8	Not detected
9	Not detected



Accredited for compliance with ISO/IEC 17025 - Testing. Accreditation number: 1019.

Closure Order and  
Varied Closure Order  
Issued by  
Dr. Brett Sutton



## CLOSURE ORDER UNDER SECTION 19 OF THE FOOD ACT 1984

I, Dr Brett Sutton, Acting Chief Health Officer, Department of Health and Human Services and delegate of the Secretary to the Department of Health and Human Services for the purposes of Section 19 of the *Food Act 1984*, am satisfied from the report of an authorized officer of the Department's Food Safety Unit that -

in relation to the food premises known as iCook Foods and situated at 2/12 Zenith Road, Dandenong South, Victoria 3175 ("**the food premises**"), food being prepared, sold or otherwise handled at this food premises is unsafe or unsuitable.

Pursuant to Section 19(2) of the *Food Act 1984* I HEREBY ORDER AND DIRECT THAT within 14 days of the date of the serving of this notice:

- a) the food premises must be put into a clean and sanitary condition or be altered or improved to the satisfaction of an authorized officer; and
- b) specified steps must be taken to ensure that food prepared, sold or otherwise handled at the food premises is safe and suitable.

Pursuant to Section 19(3) of the *Food Act 1984* I HEREBY ORDER AND DIRECT, EFFECTIVE IMMEDIATELY ON THE SERVICE OF THIS NOTICE, THAT:

- a) the food premises must not be kept or used for the sale, or the handling for sale, of any food; and
- b) the food premises must not be kept or used for the preparation of food.

Further, pursuant to section 19(2)(b) of the *Food Act 1984* the specified steps that must be taken to ensure that food prepared, sold or otherwise handled at the food premises is safe and suitable are as follows:

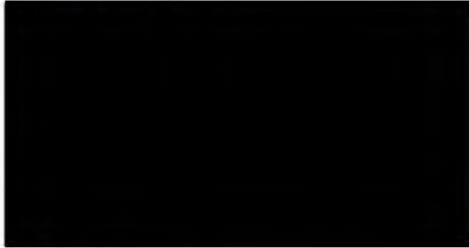
- a) all food with an extended shelf life manufactured since and including 13 January 2019 to date be destroyed; and
- b) all short shelf life food manufactured since and including 13 January 2019 to date be destroyed.
- c) iCook Foods provides to the Food Safety Unit, Department of Health and Human Services, evidence to support the validation of the clean down of the premises and equipment conducted on 20 February 2019 in line with Australian Standard 4.3.2 - Guidelines for management of Listeria.
- d) iCook Foods provides to the Food Safety Unit, Department of Health and Human Services a sampling plan that accords with Standard 4.3.2 and its application to the company's production processes. To clarify, each production line will require appropriate sampling at key risk areas (eg. machinery that requires dismantling such as slicers).
- e) iCook Foods provides to the Food Safety Unit, Department of Health and Human Services, evidence that it has submitted all samples to a NATA accredited laboratory for testing for the presence of Listeria including *Listeria monocytogenes*.
- f) iCook Foods provides to the Food Safety Unit, Department of Health and Human Services, evidence and that any positive detections of *Listeria monocytogenes* isolates are sent to the Microbiological Diagnostic Unit Public Health Laboratory for genotyping.
- g) iCook Foods provides to the Food Safety Unit, Department of Health and Human Services, a copy of an action plan on listeria management, including monitoring (which will need to be incorporated into the Food Safety Program).

I ALSO FURTHER DIRECT, pursuant to Section 19(4)(a)(i) of the **Food Act 1984** that a copy of this Order be affixed to a conspicuous part of the food premises so that it can be read by a member of the public from outside the premises.

This Order remains in force until it is revoked by me as Acting Chief Health Officer, under section 19(6) of the *Food Act 1984*. This Order will be revoked when I am satisfied that its conditions have been complied with.

DATED this **21<sup>st</sup> February 2019**

Issued and signed



**Dr Brett Sutton**

Acting Chief Health Officer

NOTE:

1. Any person who contravenes or fails to comply with an Order made under Section 19 of the Food Act 1984 is guilty of an offence under Section 19(7) of the Act.
2. Any person who is aggrieved by this Order may appeal to the Magistrates' Court within 21 days after the Order is made, under Section 19BA of the Food Act 1984.



## VARIATION TO CLOSURE ORDER UNDER SECTION 19 OF THE FOOD ACT 1984

On 21 February 2019, I, Dr Brett Sutton, Acting Chief Health Officer, Department of Health and Human Services and delegate of the Secretary to the Department of Health and Human Services for the purposes of Section 19 of the *Food Act 1984*, signed a closure order under that Act ("**the Original Order**"), which was subsequently served, in relation to the food premises known as iCook Foods and situated at 2/12 Zenith Road, Dandenong South, Victoria 3175 ("**the food premises**") (**Attachment 2**).

Pursuant to section 41A of the *Interpretation of Legislation Act 1984*, attached below is a variation to the Original Order, (**Attachment 1**). This variation is a standalone document and, for the avoidance of doubt, the conditions and directions contained within are not to be read in conjunction with the Original Order. Pursuant to Section 19(5)(a) of the *Food Act 1984*, this variation is effective when served.

DATED this 23<sup>rd</sup> February 2019

Issued and signed

A large black rectangular redaction box covering the signature of Dr Brett Sutton.

**Dr Brett Sutton**

Acting Chief Health Officer

## ATTACHMENT 1 – VARIED CLOSURE ORDER UNDER SECTION 19 OF THE FOOD ACT 1984

I, Dr Brett Sutton, Acting Chief Health Officer, Department of Health and Human Services and delegate of the Secretary to the Department of Health and Human Services for the purposes of Section 19 of the *Food Act 1984*, am satisfied from the report of an authorized officer of the Department's Food Safety Unit that -

in relation to the food premises known as iCook Foods and situated at 2/12 Zenith Road, Dandenong South, Victoria 3175 ("**the food premises**"), food being prepared, sold or otherwise handled at this food premises is unsafe or unsuitable.

Pursuant to Section 19(2) of the *Food Act 1984* I HEREBY ORDER AND DIRECT THAT within 14 days of the date of the serving of the Original Order (that being 21 February 2019):

- a) the food premises must be put into a clean and sanitary condition or be altered or improved to the satisfaction of an authorized officer; and
- b) specified steps must be taken to ensure that food prepared, sold or otherwise handled at the food premises is safe and suitable.

Pursuant to Section 19(3) of the *Food Act 1984* I HEREBY ORDER AND DIRECT, EFFECTIVE IMMEDIATELY ON THE SERVICE OF THIS NOTICE, THAT:

- a) the food premises must not be kept or used for the sale, or the handling for sale, of any food; and
- b) the food premises must not be kept or used for the preparation of food.

Further, pursuant to section 19(2)(b) of the *Food Act 1984* the specified steps that must be taken to ensure that food prepared, sold or otherwise handled at the food premises is safe and suitable are as follows:

- a) In relation to the production of all extended shelf life, pasteurised food products, the specified steps are as follows:
  - i. A food safety auditor approved under Division 6, Part IIIB of the *Food Act 1984*, conducting an initial gap audit, within 72 hours of the serving of this notice, of the premises and production process with specific reference to food safety risk assessment, hygiene controls and the prevention of microbiological cross contamination, and that written confirmation that such an audit has been conducted is provided to the Food Safety Unit, Department of Health and Human Services; and
  - ii. A food safety auditor approved under Division 6, Part IIIB of the *Food Act 1984*, conducting a full food safety audit (post the initial gap audit) of the premises and production process and that written confirmation that such an audit has been conducted is provided to the Food Safety Unit, Department of Health and Human Services; and
  - iii. The provision of written confirmation to the Food Safety Unit, Department of Health and Human Services that all staff and management of iCook Foods fully understand the revised production processes relating to the production of all extended shelf life, pasteurised food products; and
  - iv. A microbiological test and hold program for each production batch is implemented before any product can be released. If *Listeria* is detected in any of the product, that product must not be released and a root cause investigation is conducted and corrective action taken; and



- v. The provision of written confirmation from an industrial cleaning service that a satisfactory clean and sanitisation process has occurred for the production line for extended shelf life, pasteurised food products.
- b) In relation to the production of all Texture Modified, Pasteurized Formed food products, the specified steps are as follows:
- i. A food safety auditor approved under Division 6, Part IIIB of the *Food Act 1984*, conducting an initial gap audit, within 72 hours of the serving of this notice, of the premises and production process with specific reference to food safety risk assessment, hygiene controls and the prevention of microbiological cross contamination, and that written confirmation that such an audit has been conducted is provided to the Food Safety Unit, Department of Health and Human Services; and
  - ii. A food safety auditor approved under Division 6, Part IIIB of the *Food Act 1984*, conducting a full food safety audit (post the initial gap audit) of the premises and production process and that written confirmation that such an audit has been conducted is provided to the Food Safety Unit, Department of Health and Human Services; and
  - iii. The provision of written confirmation to the Food Safety Unit, Department of Health and Human Services that all staff and management of iCook Foods fully understand the revised production processes relating to the production of all Texture Modified, Pasteurized Formed food products; and
  - iv. A microbiological test and hold program for each production batch is implemented before any product can be released. If *Listeria* is detected in any of the product, that product must not be released and a root cause investigation is conducted and corrective action taken; and
  - v. The provision of written confirmation from an industrial cleaning service that a satisfactory clean and sanitisation process has occurred for the production line for Texture Modified, Pasteurized Formed food products.
- c) Production of all Modified Atmospheric Packaging food products, the specified steps are as follows:
- i. A food safety auditor approved under Division 6, Part IIIB of the *Food Act 1984*, conducting an initial gap audit, within 72 hours of the serving of this notice, of the premises and production process with specific reference to food safety risk assessment, hygiene controls and the prevention of microbiological cross contamination, and that written confirmation that such an audit has been conducted is provided to the Food Safety Unit, Department of Health and Human Services; and
  - ii. A food safety auditor approved under Division 6, Part IIIB of the *Food Act 1984*, conducting a full food safety audit (post the initial gap audit) of the premises and production process and that written confirmation that such an audit has been conducted is provided to the Food Safety Unit, Department of Health and Human Services; and
  - iii. The provision of written confirmation to the Food Safety Unit, Department of Health and Human Services that all staff and management of iCook Foods fully understand the revised production processes relating to the production of all Modified Atmospheric Packaging food products; and
  - iv. A microbiological test and hold program for each production batch is implemented before any product can be released. If *Listeria* is detected in any of the product, that product must not be released and a root cause investigation is conducted and corrective action taken; and



- v. The provision of written confirmation from an industrial cleaning service that a satisfactory clean and sanitisation process has occurred for the production line for Modified Atmospheric Packaging food products.
- d) all food with an extended shelf life manufactured since and including 13 January 2019 to date be destroyed; and
- e) all short shelf life food manufactured since and including 13 January 2019 to date be destroyed.
- f) iCook Foods provides to the Food Safety Unit, Department of Health and Human Services, evidence to support the validation of the clean down of the premises and equipment conducted on 20 February 2019 in line with Australian Standard 4.3.2 - Guidelines for management of Listeria.
- g) iCook Foods provides to the Food Safety Unit, Department of Health and Human Services a sampling plan that accords with Standard 4.3.2 and its application to the company's production processes. To clarify, each production line will require appropriate sampling at key risk areas (eg. machinery that requires dismantling such as slicers).
- h) iCook Foods provides to the Food Safety Unit, Department of Health and Human Services, evidence that it has submitted all samples to a NATA accredited laboratory for testing for the presence of Listeria including *Listeria monocytogenes*.
- i) iCook Foods provides to the Food Safety Unit, Department of Health and Human Services, evidence and that any positive detections of *Listeria monocytogenes* isolates are sent to the Microbiological Diagnostic Unit Public Health Laboratory for genotyping.
- j) iCook Foods provides to the Food Safety Unit, Department of Health and Human Services, a copy of an action plan on listeria management, including monitoring (which will need to be incorporated into the Food Safety Program).

I ALSO FURTHER DIRECT, pursuant to Section 19(4)(a)(i) of the **Food Act 1984** that a copy of this varied Order, along with the Original Order, be affixed to a conspicuous part of the food premises so that it can be read by a member of the public from outside the premises.

This Order remains in force until it is revoked by me as Acting Chief Health Officer, under section 19(6) of the **Food Act 1984**.

DATED this **23<sup>rd</sup> February 2019**

Issued and signed



**Dr Brett Sutton**

Acting Chief Health Officer

NOTE:

1. Any person who contravenes or fails to comply with an Order made under Section 19 of the Food Act 1984 is guilty of an offence under Section 19(7) of the Act.



2. Any person who is aggrieved by this Order may appeal to the Magistrates' Court within 21 days after the Order is made, under Section 19BA of the Food Act 1984.

Evidence DHHS Officer

 – was

insisting Council close

ICF not the

Department at Midday



File Note: Telephone calls with [redacted] after call to [redacted] 21/02/19- Approx. 9.30-9.45am

I spoke with [redacted] and she advised that she was on site at I cook. The following information was provided and given.

- Company had undertaken a major clean up last night on 20/02/19
- [redacted] was concerned about the adequacy of the cleaning as there was film over belts and equipment. The company stopped using the belts.
- Other issues of concern were pasteurisation occurring in an oven out the back, vitamised foods being produced for aged care, (a high risk vulnerable group), ponded water on floor was noticed, tiles were broken. She had also placed 2 orders on the premises, one relating to training.
- The FSP was inadequate.
- The company was in production. Opened packages of foods were not disposed of but used.
- [redacted] was seeking our support. I advised that she has the power to close the premises or to prevent certain equipment from being used, or stop certain production if she was concerned about the safety of the food.
- She advised that her director did not want to close the premises. Dir appeared that she was seeking support as to what to do. I advised that council had power to close premises or prevent equipment use if she was concerned about safety of food.
- I suggested that I cook should get a consultant in to assess their risk and validation of the effectiveness of the clean-up which appeared to be the concern of [redacted] as to whether they should be in production.
- She said the swab samples taken previously had come back clear, but the ham and silverside initially were positive. I said to her how does the company know that the clean has been effective, where is the evidence and that they should get a consultant in to assist and advise them.
- She said she would touch base with us in the afternoon.

A discussion was then held with [redacted] over the phone and concerns relating to the high-risk foods and what was being produced that day and where product has gone to manage the risk.

I then called [redacted] and relayed the following concerns:

- That there was ongoing production in an environment producing food for a vulnerable population. The premises is a high-risk premises.
- Suggested that production stop and food not leave the premises and be placed on hold until finished product is tested – Post cleaning sample.

This information was then discussed with [redacted] who advised the CHO.

At midday I called [redacted] and advised her of the following:

- The Acting CHO was concerned about the ongoing production in a high-risk environment producing food for vulnerable people.
- Acting CHO suggested that council consider closing the premises. [redacted] asked if the department was closing it, to which I replied No, the suggestion is the council close it.

At approximately 4 pm a call was made to [redacted] in the presence of [redacted] and [redacted] to ascertain if food production had stopped at the premises. [redacted] advised that food production had continued all day. [redacted] reiterated the Acting CHO's request for the premises to be closed.

[redacted]  
21/02/19

This is a lie.  
ICF never produced food  
following Leanne Johnsons  
Exemptions applied (if any):  
Instruction to cease  
Production.

# Perjury committed by Elizabeth Garlick

Elizabeth Garlick entered  
with a Clean Coat seen on  
ICF CCTV

USB – File Name –  
Elizabeth Garlick  
Coat



#### Gowning Area:

- I noted that in this area there were a number of coats hanging on hooks on the wall in various states of cleanliness, with clearly visible debris present on some coats. It was from this area that coats were taken for Mr M Cook and I to wear through the Premises.

#### Premises in General:

- The flooring throughout the Premises was in an advanced state of wear, with large sections of the flooring worn away, chipped, cracked, and broken (in contravention of FSC 3.2.2 Clause 21(1)). Loose pieces of flooring were observed in a number of food preparation areas (refer to attachments marked EG01-EG05, EG12, EG23, EG49-51, EG63, and EG74).
- A build-up of dirt, debris, residue, and other matter on a number of fittings, fixtures, and equipment throughout the Premises (in contravention of FSC 3.2.2 Clause 19(2)) (refer to attachments marked EG06, EG16, EG20-EG21, EG38-EG39, and EG51).
- Single-use food storage containers were being re-used for a range of purposes throughout the Premises, including for cleaning, as well as storing food products and food handling equipment/utensils (refer to attachments marked EG12, EG23, EG25, EG41-EG42, and EG87).
- A large number of bread crates in various states of wear (including crates from Tip Top and Goodman Fielder) were being used as storage and transport crates within the Premises for various items, including; clean food processing and handling equipment, unclean food processing and handling equipment to be washed as well as food products. Further to this, there was a large number of bread crates being stored outside at the rear of the Premises (refer to attachments marked EG04, EG07-EG08, EG10, EG14-EG15, EG17-EG19, EG22-EG23, EG33, EG27, EG40, EG42, EG52-EG58, EG61, EG64-EG65, EG71-EG72, EG76, EG78, EG82-EG83, EG85-EG89, EG92, EG94, EG109, and EG111). When asked how these were cleaned, Mr M Cook informed me that they were taken out to the washing area outside and washed down. At the end of the inspection I observed a number of crates being wheeled into the warehouse area from the external loading bay. These were then left to drip dry in the warehouse.
- Trolleys in an unclean condition were observed throughout the Premises, and were in various states of wear (in contravention of FSC 3.2.2 Clause 19(2)) (refer to attachments marked EG58-EG59, EG62, EG67-EG68, and EG88). These included those trolleys located in the main food preparation areas, as well as the cool rooms and freezer.
- A number of the sets of plastic door stripping at doors within the food preparation and storage areas were in a damaged and/or unclean condition, with dirt, debris, and sticker residue having accumulated on the surface (in contravention of FSC 3.2.2 Clauses 19(2), and 21(1)) (refer to attachments marked EG81, EG89, and EG91).

#### Butcher Area:

- The flooring within the butcher area was in an advanced state of wear, as well as in a poor state of cleanliness. Dirt, debris, and pieces of flooring were observed on the floor in this area (in contravention of FSC 3.2.2 Clauses 19(1), and 21(1)) (refer to attachments marked EG01-EG03).



Email from City of  
Dandenong EHO

 –

Further proof council  
routinely changed  
statements



S.33(1)

**From:** S.33(1)  
**Sent:** Friday, 1 March 2019 1:10 PM  
**To:** S.33(1)  
**Subject:** F-1678 Chain of Custody Statement  
**Attachments:** F-1678 Chain of Custody Statement of Rebecca Jones 21 February 2019.docx

Hi

Please let me know if I need to change anything

Thanks

S.33(1)  
Environmental Health Officer  
Ph: 8571 S.33(1)  
PO Box 200 Dandenong VIC 3175  
[www.greaterdandenong.com](http://www.greaterdandenong.com)



Winners of the 2017 Robert L Handby Award for Team Excellence and Innovation

349

Evidence Leanne Johnson  
criticised a Food Safety  
Program she had not read

USB – File Name – Johnson  
Food Safety Program

Transcript



File Note: Telephone calls with [REDACTED] after call to [REDACTED] 21/02/19- Approx. 9.30-9.45am

I spoke with [REDACTED] and she advised that she was on site at I cook. The following information was provided and given.

- Company had undertaken a major clean up last night on 20/02/19
- [REDACTED] was concerned about the adequacy of the cleaning as there was film over belts and equipment. The company stopped using the belts.
- Other issues of concern were pasteurisation occurring in an oven out the back, vitamised foods being produced for aged care, (a high risk vulnerable group), ponded water on floor was noticed, tiles were broken. She had also placed 2 orders on the premises, one relating to training.
- The FSP was inadequate.
- The company was in production. Opened packages of foods were not disposed of but used.
- [REDACTED] was seeking our support. I advised that she has the power to close the premises or to prevent certain equipment from being used, or stop certain production if she was concerned about the safety of the food.
- She advised that her director did not want to close the premises. Dir appeared that she was seeking support as to what to do. I advised that council had power to close premises or prevent equipment use if she was concerned about safety of food.
- I suggested that I cook should get a consultant in to assess their risk and validation of the effectiveness of the clean-up which appeared to be the concern of [REDACTED] as to whether they should be in production.
- She said the swab samples taken previously had come back clear, but the ham and silverside initially were positive. I said to her how does the company know that the clean has been effective, where is the evidence and that they should get a consultant in to assist and advise them.
- She said she would touch base with us in the afternoon.

A discussion was then held with [REDACTED] over the phone and concerns relating to the high-risk foods and what was being produced that day and where product has gone to manage the risk.

I then called [REDACTED] and relayed the following concerns:

- That there was ongoing production in an environment producing food for a vulnerable population. The premises is a high-risk premises.
- Suggested that production stop and food not leave the premises and be placed on hold until finished product is tested – Post cleaning sample.
- 

This information was then discussed with [REDACTED] who advised the CHO.

At midday I called [REDACTED] and advised her of the following:

- The Acting CHO was concerned about the ongoing production in a high-risk environment producing food for vulnerable people.
- Acting CHO suggested that council consider closing the premises. [REDACTED] asked if the department was closing it, to which I replied No, the suggestion is the council close it.

At approximately 4 pm a call was made to [REDACTED] in the presence of [REDACTED] and [REDACTED] to ascertain if food production had stopped at the premises. [REDACTED] advised that food production had continued all day. [REDACTED] reiterated the Acting CHO's request for the premises to be closed.

[REDACTED]  
21/02/19

FSP =  
Food  
Safety  
Program



*At 09:30 – 09:45am Leanne Johnson (CGD) stated to [REDACTED] (DHHS) that ICF's Food Safety Program was inadequate.*

*Hours later the following occurred;*

*Transcript – Body Camera Video – 0960 Commencing 03:09pm*

*21<sup>st</sup> February, 2019*

**JOHNSON -** “my job today is also; I have to walk away satisfied that the food being produced tomorrow is safe. So, the Department of Health and Human Services have emailed through a request for the closure and it's now on council to demonstrate, we need to know that we are addressing things and when I'm coming out and seeing these things, and there little things, but there's lots of little things and there's things that can be easily fixed. I need to know that someone tomorrow is going to be on the floor in the capacity of just supervising, I don't want them hands on with anything we wanting the consultant in as soon as possible and to have them on board for consecutive days, to try and get this up to speed. We haven't even gone through your Food Safety Program.”



Leanne Johnson

CGD

Co-Ordinator Public

Health - wrote the

Closure Order of ICF

S.33(1)

**From:** S.33(1)  
**Sent:** 2019 8:04 PM  
**To:** S.33(1)  
**Subject:**

Hi S.33(1)

Just preparing the closure order off your 19(2) – pick up 'council approval', just a heads up that we don't do this

The cleaning processes for the food preparation and handling areas are to be reviewed and amended (with Council approval), as at the time of the inspection staff members were observed pressure washing the food preparation equipment, benches and surrounding surfaces. There was food preparation and handling also occurring at this time. This method of cleaning has the potential to cause widespread food and surface contamination due to the production of aerosols.

S.33(1)  
Coordinator Public Health  
Ph: S.33(1) Fax: 8571 5196  
PO Box 200 Dandenong VIC 3175  
[www.greaterdandenong.com](http://www.greaterdandenong.com)



Leanne Johnson  
Handwritten Notes  
fraudulently claiming  
that she was told to  
close ICF by the  
Department

Call hand DHTS pure call during inspection 2/12 12<sup>10</sup>

- chief health officer states - production today  
cease -

- need from company  
- list what food is being produced today  
where it has gone  
high risk food products  
- sandwiches

only today - what has gone out today  
- where it has gone  
- high risk ready to eat foods  
today -> contact suppliers  
manufacture contact business supplied

stop production  
what

Sampling ->

don't what meats supplied frozen

-> prior to clean up - would people in aged  
care - frozen foods in fridges & freezers

-> How meats are supplied - type  
- fresh, frozen  
- meats on wheels - do they freeze  
them

**S.33(1)**

\* include manager meet with  
the doctor  
- chief health officer  
- clear up big effect  
- inspection

Normal demand order -



# Summary of S19 & S44 relevant to I Cook Foods

## I Cook Foods Closure – Relevant Legislation Explanation

I Cook Foods was closed by Dr. Brett Sutton under;

Section 19 of the *Food Act 1984* citing the following statement;

*“...food being prepared, sold or otherwise handled at this food premises is unsafe and unsuitable.”*

Section 19, Orders relating to food premises states; *that a **Relevant Authority** is to be satisfied by a report from an **Authorised Officer**.*

### **Section 19(9)**

*“For the purposes of this section, **Relevant Authority** ‘MEANS’ any one of the following”*



## **I Cook Foods has 3 Relevant Authorities;**

1. Secretary – Kym Peake
2. Council – City of Greater Dandenong
3. CEO – John Bennie

All 3 are conflicted because of Community Chef.

Council own 10% of Community Chef

John Bennie is a Director on the board of Community Chef

The DHHS, headed by Kym Peake, are Stake Holders and Major Financiers of Community Chef.

‘MEANS’ is **exhaustive** – As per Scott Guy’s Lawbook  
‘Statutory Interpretation’

The Secretary, Kym Peake, could have acknowledged the Conflict of Interest but still closed ICF using  
Section 44, **Emergency Powers.**

Section 44, Making of order, states;

*An order may be made under this Part by the Secretary if the Secretary has reasonable grounds to believe that the making of the order is necessary to prevent or reduce the possibility of a serious danger to public health or to mitigate the adverse consequences of a serious danger to public health*

The closure order when emailed to Ben Cook by Leanne Johnson stated;

*“Subject: **PUBLIC HEALTH ORDER***

*Attachments: CLOSURE ORDER UNDER SECTION 19 OF THE FOOD ACT 1984 ACHO – **URGENT**”*

This was URGENT. This was in the interest of Public Health.

The DHHS should have used their Emergency Powers.

The DHHS didn't use 'Emergency Powers' because they were liable for compensation if they were wrong.  
(Section 44D)



Notwithstanding the above Dr. Brett Sutton acted recklessly because he did not have a valid report from an authorised officer of the food safety unit as declared on both Closure orders.

They were wrong on all accounts.

## Ben Cook

---

**From:** Johnson, Leanne <Leanne.Johnson@cgd.vic.gov.au>  
**Sent:** Friday, 22 February 2019 6:34 AM  
**To:** ben@icookfoods.com.au  
**Subject:** PUBLIC HEALTH ORDER  
**Attachments:** CLOSURE ORDER UNDER SECTION 19 OF THE FOOD ACT 1984 ACHO - URGENT.pdf

Dear Ben

Please find attached the Closure Order issued this morning.

Yours sincerely

**Leanne Johnson**

Coordinator Public Health  
[REDACTED]

PO Box 200 Dandenong VIC 3175  
[www.greaterdandenong.com](http://www.greaterdandenong.com)



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**Note:**

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient, any dissemination, copying or use of the information is strictly prohibited. If you have received this email in error please delete it immediately from your system and inform us by email to [administrator@cgd.vic.gov.au](mailto:administrator@cgd.vic.gov.au).

Unless otherwise stated, any views or opinions presented are solely those of the author.

**Thank You.**

---



lawbook co. nutshell

# nutshell: statutory interpretation

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by

**SCOTT GUY**

BA (Hons), LLB (Hons) (UQ),  
Grad Dip Legal Prac (QUT), PhD (UQ)

*Senior Lecturer in Public Law  
Central Queensland University*

LAWBOOK CO.





**Ns**

Nutshell Series

# STATUTORY INTERPRETATION

SCOTT GUY

Lawbook Co.



THOMSON REUTERS



exert some influence on the construction of the definition.

### *Definition must be taken into account wherever defined expression is used*

[2.45] These comments align with the drafting process insofar as reading the words of a proposed definition into the text containing the defined term to test its merits. If the definition is not consistent with the meaning of the text, then it is not adequate. This may, however, be a counsel of drafting nicety. What McHugh J's *dicta* above at [2.40] does highlight is that the definition must be taken into account even if it cannot be fitted into the text wherever the defined expression is used.

*"Means" and "includes": "means" is "exhaustive", "includes" is non-exhaustive*

[2.50] The words "means" and "includes" often appear in definitions; in general, "means" is exhaustive and "includes" is non-exhaustive but the latter may sometimes be construed to be exhaustive.

The orthodox and correct position is that "means" is used if it is intended to be exhaustive while "includes" is used if it is intended to enlarge the ordinary meaning of the word: *Sberrill Gordon Mines Ltd v FCT* (1976) 10 ALR 441 at 455; *Douglas v Tickner* (1994) 49 FCR 507 at 519; *Gardner v The Queen* (2005) 39 MVR 308. Hence, if it were provided in an Act that "bicycle"

usually fall defined have would not. CLR 395 the the definition *Loans Act 19* meaning, it the Act provi lien and tran secure the r High Court within the c then mean t notwithstanding the Court (M did. Menzies considered t in their view somewhat i Menzies J t opinions.

*R v McN*

[2.60] In *R v* Appeal had t



# Section 19 and Section 44 of the Food Act 1984



## Part III—Orders

Pt 3 (Heading and ss 18, 19) amended by Nos 10262 s. 4, 16/1986 s. 30, 57/1989 s. 3(Sch. items 79.1, 79.2), 13/1994 s. 6, 20/1995 ss 6, 7, 98/1997 ss 16(a), 17(a)–(c), 18(1)(c)(d), 14/2001 s. 9(a)–(h), 24/2003 s. 91, substituted as Pt 3 (Heading and ss 19, 19A) by No. 42/2009 s. 9.

S. 19 substituted by No. 42/2009 s. 9.

### 19 Orders relating to food premises

- (1) This section applies if the relevant authority is satisfied from the report of an authorized officer that—
- (a) a food premises is in an unclean or unsanitary condition or in a state of disrepair; or
  - (b) food being prepared, sold or otherwise handled at a food premises is unsafe or unsuitable; or
  - (c) food is prepared, sold or otherwise handled at a food premises in a manner that makes it likely the food is unsafe or unsuitable.
- (2) The relevant authority may by written order direct that, within a specified time, either or both of the following things must be done—

- (a) the food premises must be put into a clean and sanitary condition or be altered or improved to the satisfaction of an authorized officer;
  - (b) specified steps must be taken to ensure that food prepared, sold or otherwise handled at the food premises is safe and suitable.
- (3) The relevant authority may in an order made under subsection (2) or in a subsequent written order direct that until the matters referred to in subsection (2) are complied with—
- (a) the food premises must not be kept or used for the sale, or the handling for sale, of any food; or
  - (b) the food premises must not be kept or used for the preparation of food; or
  - (c) the food premises must not be used for a specified purpose or for the use of any specified equipment or a specified process.
- (4) If an order under this section includes a direction under subsection (3)(a) or (3)(b)—
- (a) in any case—
    - (i) the relevant authority may direct that a copy of the order be affixed to a conspicuous part of the premises in such a manner that the order can be read by a member of the public from outside the premises; and
    - (ii) the relevant authority may, by notice published in a newspaper or by any other means, inform the general public that the order has been made and the terms of the order;



- (b) if the relevant authority is anyone other than the Secretary, the relevant authority must notify the Department of the making of the order;
- (c) if the relevant authority is not the registration authority for the premises, the relevant authority must notify the registration authority of—
  - (i) the making of the order; and
  - (ii) any appeal made under section 19BA against the order and the outcome of the appeal.

S. 19(4)(b)  
amended by  
No. 60/2012  
s. 54(1).

**Note**

Under section 43(2) the record of registration maintained by the registration authority in respect of a food premises must include the details of any order in force under this section that includes a direction under subsection (3)(a) or (b) in relation to the premises.

- (5) An order under this section takes effect—
  - (a) when it is given to or served on the proprietor of the food premises; or
  - (b) if the name and address of the proprietor is unknown, when it is affixed to the premises.
- (6) If satisfied that an order made under this section has been complied with, the relevant authority must—
  - (a) revoke the order; and
  - (b) give written notice of the revocation of the order in the same manner in which the order was given or served.
- (7) A person must not contravene an order made under this section.

Penalty: 120 penalty units.

- (8) A person must not remove the copy of an order affixed to a food premises under subsection (4)(a)(i) while that order remains in force.

Penalty: 60 penalty units.

- (9) For the purposes of this section, **relevant authority** means any one of the following—

(a) the Secretary;

(b) the council that is the registration authority for the premises;

(c) if the premises is a temporary food premises or a mobile food premises, the council of the municipal district in which the premises is being operated;

(ca) DFSV in relation to any food premises in respect of which it has issued a dairy industry licence under Part 3 of the **Dairy Act 2000**;

(cb) PrimeSafe in relation to any food premises in respect of which it has issued a licence under Part 4 of the **Meat Industry Act 1993** or a seafood safety licence under Part 3 of the **Seafood Safety Act 2003**;

(d) the chief executive officer of a council referred to in paragraph (b) or (c).

S. 19(9)(ca) inserted by No. 60/2012 s. 54(2).

S. 19(9)(cb) inserted by No. 60/2012 s. 54(2).

Note to s. 19 inserted by No. 13/2013 s. 24(7).

S. 19AA inserted by No. 60/2012 s. 55.

**Note**

Section 51B applies to an offence against subsection (7) or (8).

**19AA Orders relating to premises on which primary food production and related activities are carried out**

- (1) This section applies if the relevant authority is satisfied from the report of an authorized officer that—



## Part VII—Emergency powers

Pt 7  
(Heading and  
ss 44–44D)  
amended by  
Nos 10262  
s. 4, 98/1997  
ss 11, 16(a),  
17(f),  
substituted as  
Pt 7  
(Heading and  
ss 44–44G) by  
No. 14/2001  
s. 27.

S. 44  
substituted by  
No. 14/2001  
s. 27.

### 44 Making of order

An order may be made under this Part by the Secretary if the Secretary has reasonable grounds to believe that the making of the order is necessary to prevent or reduce the possibility of a serious danger to public health or to mitigate the adverse consequences of a serious danger to public health.

S. 44A  
substituted by  
No. 14/2001  
s. 27.

### 44A Nature of order

- (1) An order under this Part may do any one or more of the following—
  - (a) require the publication of warnings, in a form approved by the Secretary, that a particular food or type of food is unsafe;
  - (b) prohibit the cultivation, taking, harvesting or obtaining, from a specified area, of a particular food or type of food or other primary produce intended to be used for human consumption;
  - (c) prohibit a particular food or type of food from being advertised or sold;

- (d) direct that a particular food or type of food consigned or distributed for sale or sold be recalled and specify the manner in which, and the period within which, the recall is to be conducted;
  - (e) direct that a particular food or type of food or other primary produce intended to be used for human consumption be impounded, isolated, destroyed or otherwise disposed of and specify the manner in which the impounding, isolation, destruction or disposal is to be conducted;
  - (f) prohibit absolutely the carrying on of an activity in relation to a particular food or type of food, or permit the carrying on of the activity in accordance with conditions specified in the order;
  - (g) without limiting the generality of paragraph (f), impose conditions for or with respect to requiring the taking and analysis of samples of the food or of water or soil or any other thing that is part of the environment in which that activity is carried on in relation to the food;
  - (h) specify methods of analysis (not inconsistent with any methods prescribed by the Food Standards Code) of any samples required to be taken in accordance with the order.
- (2) An order under this Part may be varied or revoked by the Secretary in the same manner as the order was made.



S. 44B  
substituted by  
No. 14/2001  
s. 27.

#### **44B Special provisions relating to recall orders**

- (1) A recall order may require the person, or the persons of a class, that is bound by the order to disclose to the public or to a class of persons specified in the order, in a manner so specified, any one or more of the following—
  - (a) the particular food or type of food to be recalled or disposed of;
  - (b) the reasons why the food is considered to be unsafe;
  - (c) the circumstances in which the consumption of the food is unsafe;
  - (d) procedures for disposing of the food.
- (2) A person who is required by a recall order to conduct a recall of any food must give written notice to the Secretary of the completion of the recall as soon as practicable after that completion.
- (3) A person who is bound by a recall order is liable for any reasonable costs incurred by or on behalf of the Secretary in connection with the recall order and any such costs are taken to be a debt due to the Secretary from that person.
- (4) In any proceedings for the recovery of the debt, a certificate signed by the Secretary stating the amount of any costs and the manner in which they were incurred is evidence of the matters certified.

S. 44C  
substituted by  
No. 14/2001  
s. 27.

#### **44C Manner of making orders**

- (1) An order under this Part—
    - (a) may be made in writing addressed to the person or persons intended to be bound by it, and served on that person or each of those persons, as the case requires; or
    - (b) may be addressed to several persons, to a class of persons, or to all persons.
-

- (2) Notice of an order addressed as referred to in subsection (1)(b) setting out the terms of the order and the persons to be bound by the order must, as soon as practicable after the order is made, be published in a newspaper that, in the opinion of the Secretary, will be most likely to bring the order to the attention of the persons bound by it.
- (3) An order under this Part, when it takes effect, is binding on the person or persons to whom it is addressed and on all the persons of any class to which it is addressed.
- (4) An order that is served on a person takes effect when it is served.
- (5) An order, notice of which is published under subsection (2), takes effect at the beginning of the first day on which the notice was published.
- (6) A order ceases to have effect at the expiration of 90 days after the day on which it takes effect unless it is sooner revoked.
- (7) Subsection (6) does not prevent a further order being made in the same terms as an order that has expired.

#### **44D Compensation**

- (1) A person bound by an order under this Part who suffers loss as a result of the making of the order may apply to the Secretary for compensation if the person considers that there were insufficient grounds for the making of the order.
- (2) If there were insufficient grounds for the making of the order, the Secretary is to pay just and reasonable compensation to the applicant.
- (3) The Secretary is to send written notification of the Secretary's determination as to the payment of compensation under this section to each applicant for the payment of compensation.

S. 44D  
substituted by  
No. 14/2001  
s. 27.



- (4) If the Secretary has not determined an application for compensation under this section within 28 days of receiving the application, the Secretary is taken to have refused to pay any compensation.
- (5) An applicant for the payment of compensation under this section who is dissatisfied with a determination by the Secretary as to the refusal to pay compensation or as to the amount of compensation may apply to the Magistrates' Court for a review of the determination—
  - (a) within 28 days after the day on which notification of the determination was received; or
  - (b) in a case to which subsection (4) applies, within 28 days after the 28-day period referred to in that subsection.
- (6) If the amount of compensation sought exceeds the jurisdictional limit of the Magistrates' Court, the application under subsection (5) is to be made to the Supreme Court.

S. 44E  
inserted by  
No. 14/2001  
s. 27.

#### **44E Failure to comply with emergency order**

A person must not, without reasonable excuse—

- (a) carry on an activity in contravention of any prohibition imposed on the person by an order under this Part; or
- (b) neglect or refuse to comply with a direction given by such an order; or
- (c) fail to comply with a condition specified in such an order.

Penalty: \$40 000 in the case of an individual or  
\$200 000 in the case of a corporation.

Note to s. 44E  
inserted by  
No. 13/2013  
s. 24(9).

#### **Note**

Section 51B applies to an offence against this section.

**44F Person has no right to be heard before order made**

In making an order under this Part, it is not necessary for the Secretary to give any person who may be affected by the order a chance to be heard before the order is made.

S. 44F  
inserted by  
No. 14/2001  
s. 27.

**44G Secretary may obtain enforcement order**

The Secretary may apply to the Supreme Court for an order against any person who is required to comply with an order made under this Part requiring the person to comply with the order.

S. 44G  
inserted by  
No. 14/2001  
s. 27.



Video Clip – Leanne  
Johnson closes I Cook  
Foods

USB – File Name – Leanne  
Johnson Closes ICF

Transcript of Footage

***At 12:07pm Leanne Johnson (CGD) stated to Ben Cook (ICF) that Victoria's Chief Health Officer has just said cease production now.***

***Transcript – Body Camera Video – 0957***

***21<sup>st</sup> February, 2019***

- GARLICK -** “really concerned it’s all been undone”
- COOK -** “But we had the chemical fogging”
- JOHNSON -** “Chief Health Officer from State Victoria has just said cease production now”
- COOK -** “Ok, understand it’s done”
- JOHNSON -** “Alright I’ve just passed that on to Ben now, I’ve never had to do this before let me sit down and get a pad”
- COOK -** “Frank can you please come to the office please, Frank”
- JOHNSON -** “Hang on, (inaudible), I’m just going to borrow your bench next door if that’s alright”
- COOK -** “No worries”
- GARLICK -** “Do you need me?”
- JOHNSON -** “Nup, you keep going”
- GARLICK -** “Ok, alright, alright, so yeah effectively it sounds like we are putting closure, ill have to wait for Leanne to fully confirm what’s being said but...”



Leanne Johnson illegally closed I Cook Foods and contravened Section 19 (5) (a) of the Act that states;

An order under this section takes effect –

- (a) When it is given to or served on the proprietor of the food premises

### I Cook Foods, 2/12 Zenith Road Dandenong South

- **31 Jan:** Council was requested by DHHS to conduct sampling at the manufacturer, I Cook Foods, that supplies food to hospitals and meals on wheels premises in response to an elderly person being diagnosed with listeria.
- **1 Feb:** EHO attended the premises and obtained 14 food samples and 11 environmental swabs taken at premises focussing on sandwiches
- **Mon 18 Feb:** DHHS contacted Council to notify that samples obtained were testing positive for listeria
- **Mon 18 Feb:** EHO conducted inspection to obtain further information and identified a number of non-compliances regarding poor food handling practices, resulting in 2 Food Act Orders being issued by Council.
- **Mon 18 Feb:** (4.20pm) DHHS notified Council that the case has passed away. DHHS awaiting genotyping of the microorganism for the food samples to determine if they match what the case had.

DHHS requested information of I Cook Foods customers. DHHS

*Please don't inform of the death at this stage given we don't have all the information.*

- **Tues 19 Feb:** Council EHOs attended I Cook Foods to deliver Council initiated Food Act Orders.
- **Tues 19 Feb (4.10pm):** Documentation including suppliers list, distribution list and menu items provided by Council to DHHS.
- **Wed 20 Feb:** Council EHOs attended site. Found the clean-up process to be unsatisfactory. Site re-inspected in the afternoon with Council's Public Health Coordinator. Major non-compliances identified in the cleaning practices. Company directed to engage a specialist to conduct a full clean immediately.

Public Health Coordinator had discussions with DHHS in regards to the current conditions of the site.

- **Wed 20 Feb:** 6pm Council (Public Health Coordinator) emails the company regarding the concerns with the practice and that the company is to engage a quality assurance specialist.
- **Thurs 21 Feb:** (1.45pm) Council provide DHHS I Cook Foods Food Safety Program for review.
- **Thurs 21 Feb:** (2.45pm) DHHS notifies Council that the **S.33(1)** has concerns relating to the premises and requested Council to consider ordering the premises, under the Food Act to cease all production until the order is revoked.
- **Thurs 21 Feb:** (9pm) teleconference meeting with Council Officers **(S.33(1) S.33(1) and S.33(1)** to discuss closing the business. Agreed that DHHS will issue the closure Order due to a conflict of interest with **S.33(1)** (required to issue order). Council Officers to deliver DHHS issued Order.



- **Thurs 21 Feb (11.30pm)** : Acting Chief Health Officers of DHHS notifies customers of I Cook Foods instructing them to:
  - discard all foods received from I Cook Foods that was produced from 13 January and
  - communicate to any vulnerable patients or clients who may have consumed the foods to watch for the symptoms of listeria infection.
- **Friday 22 Feb: (4am)** Council Officers (S.33(1)) attended I Cook Foods and issued the closure order to the business and conducted environmental swabbing.
- **Friday 22 Feb** Council conducted joint inspection with DHHS onsite.
- **Saturday 23 Feb** DHHS and Council attended the site to issue a variation to the Closure Order that will permit I Cook Foods to produce particular food items on the condition that they satisfy the Department's requirements.

• Brett Sutton began notifying ICF clients at 7:00 pm. All clients were notified by 11:30 pm.

• I Cook Foods were the last to be notified of the closure, at 4:00 am on the 22nd of Feb.



# Statement of Attainment

A Statement of Attainment is issued by a Registered Training Organisation when an individual has completed one or more accredited units

THIS IS A STATEMENT THAT

## Marie Fabrina Coulon

HAS ATTAINED

SITXOHS002A Follow Workplace Hygiene Procedure

These competencies form part of  
SIT20307 Certificate II in Hospitality (Kitchen Operations)

DATED 16 SEPTEMBER 2013



CHIEF EXECUTIVE

*Bonnie Macleod*

REGISTRAR

*Erica Wright*

**RETURN TO CONTENTS**

This Statement of Attainment is recognised within the Australian Qualifications Framework







# Statement of Attainment

A Statement of Attainment is issued by a Registered Training Organisation when an individual has completed one or more accredited units

THIS IS A STATEMENT THAT

## Ingrid Rose

HAS ATTAINED

SITXOHS002A Follow Workplace Hygiene Procedure

These competencies form part of  
SIT20307 Certificate II in Hospitality (Kitchen Operations)

DATED 16 SEPTEMBER 2013

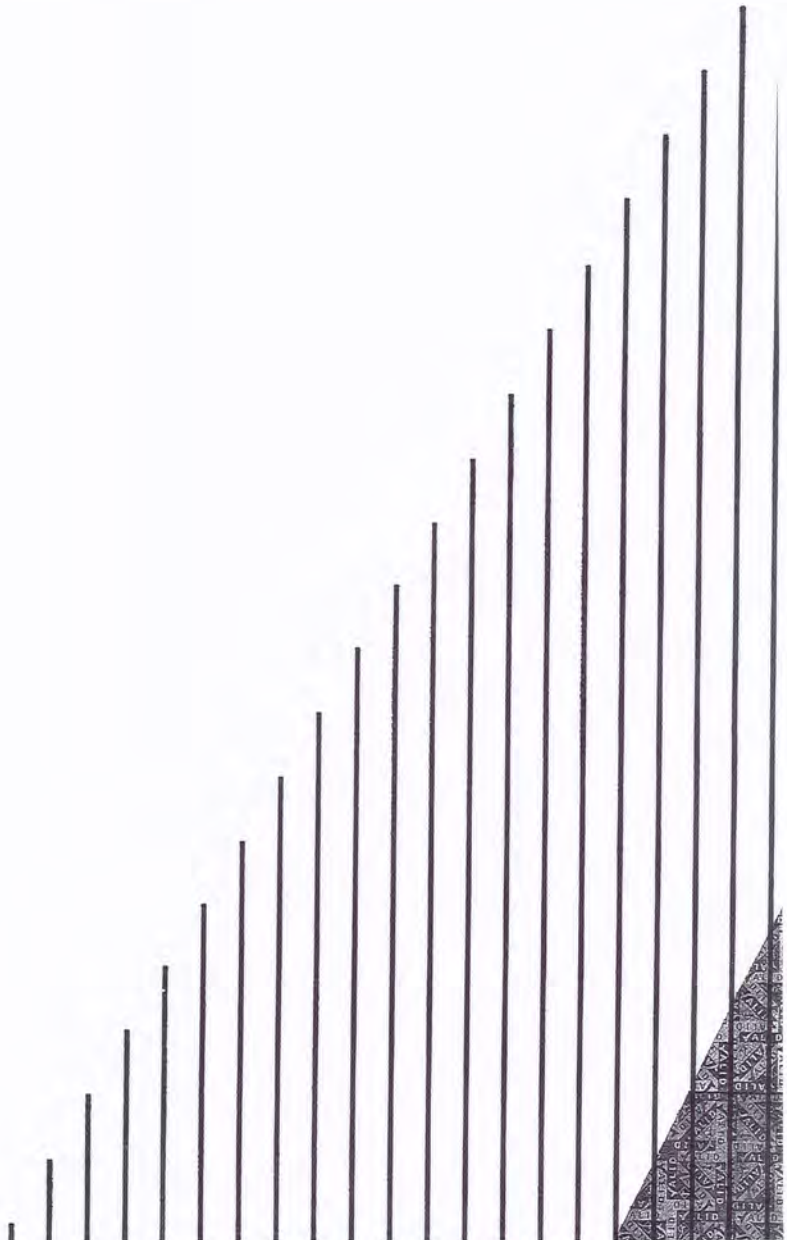


CHIEF EXECUTIVE

*Bruce Maclezie*

REGISTRAR

*Erica Wright*





This is to certify that

**Marie Fabrina Coulon**

has fulfilled the requirements for the

**Certificate III in Hospitality  
(Commercial Cookery)**

**THH31502**

In witness thereof the Common Seal has been hereunto affixed in accordance with the Institute's Constitution this 18th day of December 2007



President of Institute Board

Director and Chief Executive Officer

Certificate No. 07D280139

The qualification certified herein is recognised within the Australian Qualifications Framework.

Board of Chisholm Institute of Technical and Further Education, Victoria Australia.  
National Provider Number 260

CRICOS Provider Number 00861F







This is to certify that

**Francesco Santoro**

has fulfilled the requirements for the

**Certificate III in Hospitality  
(Commercial Cookery)**

**THH31502**

Obtained under an approved  
Apprenticeship training scheme

In witness thereof the Common Seal has been hereunto affixed in  
accordance with the Institute's Constitution this 10th day of July 2007



A handwritten signature in black ink, appearing to read 'Noel Hughes'.

President of Institute Council

A handwritten signature in black ink, appearing to read 'Virginia Sumner'.

Director & Chief Executive Officer

Certificate No. 07D272389

The qualification certified herein is recognised within the Australian  
Qualifications Framework.

Council of Chisholm Institute of Technical and Further Education, Victoria Australia.  
National Provider Number 260

CRICOS Provider Number 00881F

