

TRANSCRIPT

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into the closure of I Cook Foods Pty Limited

Melbourne—Wednesday, 17 June 2020

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Mr David Limbrick

Mr Edward O'Donohue

Mr Tim Quilty

Dr Samantha Ratnam

Ms Harriet Shing

Mr Lee Tarlamis

WITNESSES

Mr Ian Cook, Director, I Cook Foods; and

Mr Paul Brady, former detective sergeant, Victoria Police.

The CHAIR: Everyone, thank you for coming and thank you all for making the time this evening; we greatly appreciate it. I would like to declare the meeting open now. Please—I am sure I do not have to say it—make sure your phones are switched to silent.

If I could start by respectfully acknowledging the Aboriginal peoples, the traditional custodians of the land on which we are meeting here today, and pay my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today or who are watching the broadcast of these proceedings.

I would like to welcome anyone who is watching this evening. As all of you know, this is being broadcast this evening via live broadcast.

I would like to introduce our committee. I appreciate that given our social distancing we probably look bigger than we really are. It is remarkable how you can do that just with a bit of space and a bit of tape.

Ms LOVELL: I thought you were referring to lockdown weight gain.

The CHAIR: To Ian and Paul, if I could just give you some information around what it means to be a witness in these hearings, the committee is hearing evidence in relation to the Inquiry into the Closure of I Cook Foods Pty Ltd. All evidence taken at this hearing is protected by parliamentary privilege as provided by our *Constitution Act 1975* and also by the provisions of our Legislative Council's standing orders. Therefore any information you provide to us today is protected by law. However, any comments repeated outside this room may not be protected, and any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

As you can see and as we have mentioned to you, this is all being recorded. You will be provided with a proof version of the transcript in the next few days, and you will have the opportunity to look at that and make sure that we have not misrepresented or misspelt or misunderstood what you were saying. Ultimately that will be posted on our website. Now, we have allowed 1 hour and 45 minutes for this session. As you can see, this is a large committee, so if we could have some opening remarks from you, then I will open it up to questions. Thank you.

Mr COOK: Thank you for allowing me the opportunity to explain what has happened to my employees, my family and myself over the last 17 months. If someone had described to me 17 months ago what I am about to describe to you, I would not have believed them. It seems way too out there. I used to have an unwavering faith in Australia's system of democracy. I used to believe that the good guys always win in the end, because the system always catches the bad guys. But over the last 17 soul-destroying months I have begun to lose my faith in our system. That was until today. All my former staff and my family ever wanted was to be heard. We all believed that if people saw what had happened they would be repulsed and they would demand that it would never happen again. So I begin by simply saying how grateful I am that this Victorian Legislative Council committee has chosen to listen and to question.

In this brief summary I will not offer a single opinion. Instead, during this hearing I will only provide information that is based on indisputable evidence which has been gathered and accepted by retired members of Victoria Police. The retired detectives have volunteered to work, unpaid by anyone, to expose exactly what happened. To that end, I have brought with me retired detective Paul Brady. Paul is here to answer any questions you have. In the coming days he can also provide any of you with the supporting documents or videos you may require to accept that every single thing I am about to tell you is absolutely true.

Much has been said in the media and elsewhere about false evidence which was planted and fabricated by environmental health inspectors from the City of Greater Dandenong. All this was overseen by the upper house member for Dandenong, who was also the former Minister for Local Government. We know Mr Somyurek was aware of the extensive allegations against the City of Greater Dandenong because he addressed these

allegations in Parliament, conceding the City of Greater Dandenong did have a conflict of interest because of Community Chef, or at least a perceived conflict of interest. In essence, that is what we are here to discuss tonight. Is it perceived or blindingly obvious? Moreover, is it illegal?

The slug was not the worst example of the damaging criminal behaviour which occurred, but it seems to have been the easiest for people to remember—so let us start there. For safety reasons, I Cook Foods has a number of security cameras around our premises. These cameras were filming when City of Greater Dandenong inspector Elizabeth Garlick first came to our business. It seems Inspector Garlick was not aware that these cameras were on or that they were recording. These cameras, including her own body camera, recorded Inspector Garlick repeatedly planting and falsifying evidence. In one part of the recording she can be seen walking into the back left-hand corner of the I Cook Foods premises and spending 17 seconds hunched in that corner. Throughout the day, video shows that that area had been walked through by various staff 64 different times. No-one saw a slug. After 17 seconds crouched in the corner, Inspector Garlick rose to her feet and declared that she had found a slug at I Cook Foods. If this was true, I would have been the first to admit this and apologise. But it was not true.

Earlier that day I Cook Foods admin manager, Leisha Hodges, had thought it was curious that Inspector Garlick had entered the premises wearing an unconventional smock which had tissues protruding from one of the outside pockets. Immediately after Inspector Garlick claimed to have discovered the slug, I Cook Foods employee Michael Cook, my brother, took a photo of the area containing the slug. In his photo, wet tissue is clearly visible on the floor next to the slug. But, tellingly, this tissue is missing from the images Inspector Garlick provided to me and the Dandenong Magistrates Court. We have provided a comparison of both photos, and I will table them. So where did the tissue go from that image? Who photoshopped it out?

Hayes Pest Control had conducted a site inspection just days before, and they had found no evidence of slug activity. A subsequent investigation by Hayes Pest Control found that there was no credibility to the claims that a slug had entered the facility or made it to this location unassisted. Dr Michael Nash, PhD, is a slug expert. In his separate report he points out that this particular slug is not found in the area and is nocturnal. It should have been asleep at the time it was meant to be crawling into my factory.

So why was I Cook Foods targeted? I now believe it is because we had inadvertently made ourselves a target. To explain how we did this, I need to tell you about Community Chef. Community Chef began trading in 2010 during the global financial crisis. At that point the federal government was spending billions of dollars in stimulus projects. That is when 14 Victorian local councils decided to create Community Chef. It was to be a commercial catering company just like mine, but Community Chef would be ratepayer funded.

Imagine running a business where you could not run out of money. Now imagine competing against such a business. At the time I was so concerned I wrote a letter to the then federal infrastructure minister, Mr Anthony Albanese. I still have that letter and also a response from his office, where I was assured Community Chef would cooperate with its commercial rival. I quote:

The Council's project manager is aware of the concerns ... and has committed to working with you to find ways that your two companies can complement each other.

Community Chef was granted an exemption under section 186 of the *Local Government Act* from having to go to tender for meal supply contracts. It was meant to be a requirement that Community Chef only ever did business with its shareholder councils, but in time this proved to be untrue. Since its creation, Community Chef has regularly sold products to anyone who will buy them, breaching the rules they agreed to when the company was set up.

As for the assurance Community Chef would cooperate with my business, it has done the opposite. It has competed with my business, and it has done it with ratepayers and taxpayers money, because in recent years the department of health has ploughed millions of dollars into Community Chef to try and keep it afloat. Incredibly, despite millions of dollars and taxpayer and ratepayer support, Community Chef has still lost tens of millions of dollars since its inception. The department recently offered to buy out Community Chef from each of its council shareholders for \$1 per council—in other words, Community Chef is now worthless. I should make it clear here one of those councils that is a shareholder in the failing business is the City of Greater Dandenong.

So how was Community Chef ever going to make a profit? Well, one way would be for it to become an essential service. But Community Chef could not become an essential service if an alternative commercial rival

like my business existed—otherwise it would not be essential; it would be optional. Therefore the only way for Community Chef to turn a profit would be for my business to stop operating.

I want to acknowledge at this point that some of you will find this alleged motivation hard to believe, and that is okay. I just encourage you to keep listening. When you hear what happened next I believe you will reach the same conclusion that my workers and I have reached. In the end my business was closed and destroyed by the department, who are major financiers of Community Chef. Put simply: I was closed by my competitor. By investing in Community Chef, the department had created a situation where my business could be, and was, killed off by a commercial rival which was funded by ratepayers and taxpayers.

So how did this happen? Well, when an elderly woman [REDACTED] died in Knox Private Hospital in February last year listeriosis was suspected. Samples of her blood were taken on 23 January. They tested positive for listeria mono. On 1 February 2019 the City of Greater Dandenong sent health Inspector Kim Rogerson to conduct sampling of our facility and food. Eighteen days after these samples were taken, the City of Greater Dandenong received results from DHHS food safety unit manager [REDACTED]. The results showed surfaces at I Cook Foods had no traces of listeria and all the ingredient products made by I Cook Foods had come back negative also. The food and the factory were clean and safe.

It needs to be noted that at no stage prior to the closure of I Cook Foods did the department ever send in their own departmental inspector to assess what they were being told by council inspectors—whether it was true. The department simply trusted what council was telling them. That was a shocking mistake on the department's part.

Since the closure of I Cook Foods our team of investigators have managed to legally obtain board papers from inside Community Chef. These board papers give the game away. They show in writing that Minister Mikakos and acting projects director for the department [REDACTED] had been working with Community Chef to ensure the failing business would become an essential service to the public health system. This was going to be done through what is known as texture-modified food. This is food given to hospital patients and the elderly which has been modified to ensure it can be safely and easily swallowed. It should also be noted that just before our closure I Cook Foods was about to launch our own range of texture-modified food we called Smooth Dining. The department and the state government knew this, because we had told them. And yet immediately after our closure this is what was written into the Community Chef board papers we now have copies of, quote:

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 ... making any direct contact with Minister Mikakos in light of the I Cook issue.

Make no mistake, the department and Community Chef were working hand in glove at that time.

Now, listeriosis is what is called a reportable disease. That means all possible sources of food that [REDACTED] could have consumed should have been investigated but, as you are about to learn, they were not. [REDACTED] was admitted to Knox Private Hospital twice during her illness. Knox Private Hospital was not investigated, and there was no sampling and no swabbing even though the hospital produces sandwiches—

The CHAIR: Ian, if we could just have some time.

Mr COOK: I can stop, if you do not want me to. I am sorry. My apologies. It was given to me.

The CHAIR: Thank you, Mr Cook.

Mr COOK: Now, listeriosis is called a reportable disease. That means all possible sources of food that the deceased could have consumed should have been investigated but, as you are about to learn, they were not. The deceased was admitted to private hospital twice during her illness. Knox Private Hospital was not investigated, and there was no sampling or swabbing even though the hospital produces sandwiches for patients in house with the same ingredients that I Cook Foods uses. Healthscope, who run the hospital, have written a letter to I Cook Foods stating categorically, and I quote:

... 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.

The only business ever targeted for testing was I Cook Foods. This was done by the City of Greater Dandenong under instruction from the department.

At this point, it is probably important just to restate the fact that the City of Greater Dandenong is a shareholder in my main competitor, Community Chef. It should also be noted that the CEO of the City of Greater Dandenong, John Bennie, is on the board of Community Chef. Mr Bennie knew Community Chef was going broke, and he knew I Cook Foods was continuing to flourish, having developed the groundbreaking texture-modified food I mentioned earlier. This product, Smooth Dining, has worldwide patents pending, and we had also signed an agreement to launch a partnership with Neale Daniher and his group, FightMND. When I Cook Foods was closed down, this partnership and Smooth Dining was lost indefinitely.

The department directed the City of Greater Dandenong to come and take swabs of our food and our factory on 1 February. The two reports from this swabbing showed that I Cook Foods was not the source of any listeria connected to the deceased and that the source was actually a smallgoods manufacturer, and yet no smallgoods manufacturers were ever targeted or tested by the department. In other words, they never bothered to look for the actual sources of the listeria. In time, it would also be found that the deceased did not even die of listeriosis. Traces of listeria were found in her system, but she actually died of chronic heart disease.

So what happened with those two reports that exonerated I Cook Foods and our employees? The first report showed that our food was safe, and it was not released until two weeks after the department had ordered the destruction of all I Cook Foods stock—and this delay forced all of our contracts into default. The second report, which was from the Doherty Institute and proved that I Cook Foods was not the source of the *Listeria mono*, was withheld for a full month by [REDACTED] from the department. What is worse is [REDACTED] lied to me about the contents of the reports. According to the contemporaneous notes I made about the phone call, [REDACTED] falsely claimed the information contained about the genetics of the listeria was beyond dispute. He said he had me, quote, ‘dead to rights’ that I was the cause. What [REDACTED] chose not to tell me was that the report in question would in fact show two exact genetic human matches found in Queensland. I Cook Foods does not sell food to Queensland. We were never the source.

Our investigators have also analysed the metadata of the Doherty report, only to discover that the report, as it was provided to us by the department, has been edited. It appears to be the entire report; however, when you look at the metadata you can tell the document has been tampered with. Who would do this? Why?

Now because our stock and our contracts had been destroyed, we could not start operating again. I was determined to see the report that was used by the chief health officer to justify the closure. When our lawyers asked the department to provide the report that justified our closure, the department refused to hand it over. In the end I had to go to court and spend tens of thousands of dollars to try and get a copy of this mysterious report. In the end, despite winning the right to see the report in court, no such report has been provided to me. Instead, an unrelated departmental email has been sent to me. This email cannot be the report. The report must state any breaches of the *Food Act* which justify closure. This email does not mention a single breach. Put simply, it is not the document.

When I try to describe the madness of this situation to people, I put it like this: imagine getting a ticket for supposedly running a red light, even though you know you never ran this particular red light. Now imagine asking to see the photo taken by the red-light camera, only to be told you cannot see it and that you will now have to spend tens of thousands of dollars fighting to see the photo. Now imagine finally winning the right to see the photo in question, and when you get what you think will be that photo, it is actually operating instructions for a microwave. In other words, the evidence that we were finally given had no relevance to the matter in question—none whatsoever.

What has the department and the Victorian government got to hide? Was there ever a report, or did they refuse to hand this report over because it never existed? To this day uncertainty remains as to how much information was given to the Chief Health Officer, Dr Brett Sutton, before he closed my business or how much information was kept from him. I would really like to know exactly what Dr Sutton had been told before he went on ABC Radio Melbourne and accused my business of killing the deceased. At the time this defamatory claim was aired by this representative of the Victorian government the department already had the test result which proved my business did not kill anyone, and yet the falsehood was broadcast. Some people still falsely believe that I am a

negligent killer. I cannot begin to describe how devastating that radio interview was to my workers, my family and myself.

When Dandenong city council realised they could no longer tie the deceased's death to my business, they decided to fake a case that my business was somehow not clean and therefore should be shut down anyway. Before I knew it, I was facing 96 charges and millions of dollars in potential fines. Thanks to the work of Paul Brady and retired Detective Inspector Rod Porter, as well as other members of the investigative team, it became quite clear all of these charges were based on falsified and planted evidence, including the slug. When we made it clear that we would fight every single charge and put council's investigators on the witness stand to be questioned under oath, all 96 charges were dropped by council. It was clear council could not have their case scrutinised, and they certainly did not seem to want their investigators giving evidence under oath.

There is so much more I would like to cover in this summary, such as how the closure order was unlawfully made under the wrong section of the Act. I would also like to show you body camera footage of Dandenong council Inspector Leanne Johnson, where she is caught on camera lying about receiving an instruction from Dr Brett Sutton to close I Cook Foods, when in fact Sutton had made no such order. I would like—

The CHAIR: Mr Cook, I am conscious of the time here and that—

Mr COOK: I am literally almost finished, I promise.

The CHAIR: Fantastic; thank you.

Mr COOK: I would like to talk about the emails which we have that show [REDACTED] from the department colluding with supposedly independent third-party auditors to change their audits in order to frame I Cook Foods and keep us shut. We literally have an email where supposedly independent third-party auditor [REDACTED] writes to [REDACTED] from the department of health saying:

Please read ... attached, the draft Critical Non Conformance Certificates and let me know if there is anything you want ... added—

... or parts I need to remove.

That is corruption in writing.

I am glad you will be hearing later tonight from Kim Rogerson, who blew the whistle on the illegal framing of I Cook Foods, only to be bullied and harassed to the point where she is unable to work, or to put it another way, Officer Rogerson is now being denied WorkCover by people who bullied her to a state of crippling depression. I hope we can agree that it is appalling that someone can be so badly treated by a council simply for telling the truth and seeking to expose corruption. I would like to tell you so much more about the last 17 months, but time is limited so I will stop now.

In conclusion, for most people it will always be about the slug, #Slug-Gate. It is a good line, as they say in the media. It is certainly a good reference point for most people. I get that. But for me, what happened is so much more than that: 41 workers lost their livelihoods the night we were closed; 41 families lost their income. A business worth \$48 million was destroyed, and this loss is not speculative. Gary Fettes is a director of global insolvency advisory firm Rodgers Reidy. Gary has had more than 40 years experience and formally assessed our claim and losses. He asked I put it on record this evening that his initial work indicates I Cook's assessment of damages is very close to the claim he has calculated. If I can use any compensation to restart my business and rehire those 41 workers, that is the very first thing I would do. These workers and their families have suffered enough. They deserve to get their lives back.

To that end, my family has also lost its life's work. I was so proud of this business I gave it my name—Ian Cook—I Cook Foods. I chose to be linked to it forever. So when the business name was dragged through the mud and my business was accused of killing an elderly woman by the Victorian government, I felt like I was being accused of doing that. It has been truly horrifying to discover over the last 17 months that the destruction of the business was not accidental. It did not happen out of an abundance of caution, despite what the department of health and others want you to believe now. It was deliberate, it was targeted, it was commercial, it was political and it has been devastating. Thank you very much for listening to me. I am sorry if I took too long.

The CHAIR: Not at all. Thank you, Mr Cook. Thank you very much for your time. We are going to proceed to questions, unless Paul has some very brief comments that he wanted to make before we proceed to questions.

Mr BRADY: Yes. What I can do is just very briefly outline the criminal behaviour, the serious criminality involving the two health inspectors.

The CHAIR: When we say briefly, I do mean briefly.

Mr BRADY: Briefly, what we are dealing with is fabricated section 19(1) and 19(2) orders, a fabricated closure order, the unlawful destruction of in excess of \$700 000 worth of safe and suitable food.

The CHAIR: Okay. Mr Brady, thank you so much. Certainly I have no doubt we will be asking questions and taking from your experience here.

Dr KIEU: Thank you, Mr Ian Cook. Thank you very much for coming here. We are here to listen to you and the view that you present. The events of the last 17 months for you have been big, not just for yourself but for your employees and your family and the consequences that they entail. I just have a question. You have just presented that some of the evidence was falsified from the slug to the listeria. Is there any action that you have taken or you are taking in relation to those that you claim to be falsified evidence?

Mr COOK: Yes. I have made a complaint to Victoria Police and I have handed in a full brief of evidence to them, with the help of Paul Brady. Paul's experience obviously as a detective meant that we were able to put everything we needed to in a format that, if you like, makes it easy for the police to understand my story. The story in itself can be quite simple; when you try and tell the whole lot in one hit it is actually very lengthy.

Dr KIEU: Just a follow-up question. Is there any incident in the past that links I Cook to some of the unsafe or some of the alleged unsafe practices?

Mr COOK: No. In fact if you go through the brief of evidence, where they tried to charge me, they went back to 2015. They actually got documents from a laboratory, which were unlawful under the Act, but they had used them to make it look like there was something—and there is nothing there. I welcome any scrutiny of everything that we have ever done. I have operated multiple food premises for 30 years in Melbourne, and I have never once been cited for unsafe practices.

The CHAIR: Thank you so much, Mr Cook and Mr Brady, for coming today. You mentioned that you have been in business for many years. What has been your experience? I understand your business has been in the Dandenong area for most of that time.

Mr COOK: Yes.

The CHAIR: Have you had similar investigations through Dandenong council in the past—in those 30 years?

Mr COOK: So, in the past 30 years a lot of it I have had premises in Dandenong. I have dealt with the Dandenong health department and had no problems at all. The management of Dandenong health department completely changed about 18 months before this happened to me, and the new head obviously had an agenda of some sort or was told what to do—that I cannot tell you. I can tell you that I have been—if you take the premises we are in at the moment—10 years there. We have three audits minimum a year. We have an audit by the council, we have an audit under our ISO 22000, and then we have what they call a third-party independent—supposedly independent—audit, which means in the last 10 years I have had 30 audits, and I have never failed an audit until the ones that I told you about in this that were concocted.

The CHAIR: In listening to the evidence and certainly reading some of the background to this event—and, Mr Brady, we welcome your input on this as well—whenever you kind of look at conspiracy, sometimes you consider stuff-up, and would you consider that people have been overzealous, and as you mentioned, there was new management that had come in to Dandenong who had oversight over food and safety? But you were very strong in your presentation that there is a connection between what has happened to you and the other business.

Mr COOK: Yes.

The CHAIR: I am just wondering if you are quite certain about that or whether it is just people jumping the gun and acting without the experience of the previous management of the council.

Mr COOK: I would assume that when they employ someone in a senior position, such as the coordinator of public health, they are qualified for it, and in actual fact the person we are talking about, if you go on to EHPA and look at it, she is seen as an absolute expert in her field and her area. So putting that to one side, I cannot see how an expert could do some of the things she has done. Paul can probably go through, if you like, the criminality in some more detail. I can tell you for sure all that I say about Community Chef is because I have read every board paper from 2012 through to today, and from 15–16 they were absolutely dead sure they were going to get \$3.6 million worth of contracts that we ended up winning. We did not know at that time the effect we were having on them, but that would have possibly made them maybe break even, keeping in mind they charge 30 per cent more than what we do for doing the same service.

I never, ever wanted a fight with Community Chef. I complained originally and said I did not think it was fair, and then after that thought, ‘I can’t fight it; it’s too big, too much money—leave it alone’. So I did. But as it turned out, the things we were doing were actually having a huge impact on them, and their own documents show it. Do you agree with that?

Mr BRADY: Yes; correct.

Ms CROZIER: Thank you both very much for being here and for providing your evidence and testimony to us this evening. There are a couple of things. You mentioned a number of reports. You mentioned an email that was provided by the department or the Chief Health Officer at the time of closure.

Mr COOK: Yes.

Ms CROZIER: I am wondering if you could provide the committee with those reports and the emails.

Mr COOK: Yes.

Ms CROZIER: How long was that email? Have you got that here?

Mr COOK: I have that email here. Paul could explain if you close a business under section—sorry, you tell me.

Ms CROZIER: No, I am happy to have the email. My question is around closure. Can you provide the details of the process, Mr Cook, that occurred on 21 February with the closure of your company and the role that DHHS and the Chief Health Officer played, which I think goes to the point that you were saying.

Mr COOK: Quite simply, if I take you through the sequence of events: Elizabeth Garlick comes in, does a report on the 18th. She comes back in the next day and she writes a 19(1) and (2) notice. That is a very serious notice—that is one step away from being closed. She does it after one inspection—bang. Then she brings her boss in and the two of them go through the place and we have about five inspections—bang. And then on the Thursday—

Ms CROZIER: So that is on the 19th. The 18th, 19th—

Mr COOK: And then 20th.

Ms CROZIER: and twentieth. Five inspections, yes?

Mr COOK: Including the 21st, rather. They do another one on the 21st. A few choice bits about that: on the 21st she is on the phone with [REDACTED] from the Department of Health and Human Services. She declares to [REDACTED] according to [REDACTED] notes, on this phone call that she has checked out the clean—the forensic clean—that cost \$12 000 the night before that they made us do. That forensic clean, she declares, did not work, was not deep enough, no. Apparently she can see bacteria. So she says that, but she tells this to [REDACTED] before she has even entered the premises. How can you decide that a clean is no good after all that money is spent and you have not even been through the premises?

Ms CROZIER: But how did she do that? How did she communicate to the department? How do you know that she said that?

Mr COOK: We have her on body camera with the phone call. We do not hear the exact detail of the phone call, but through [REDACTED] from the department, through our FOI, we have a full chronology of what she told her and at what time.

Ms CROZIER: Would you be able to provide the FOI to the committee as well?

Mr COOK: I can show that to you. Absolutely, yes.

Ms CROZIER: Thank you.

Mr COOK: So then we go to the 21st. The afternoon of the 21st she sits in our boardroom and says, 'Oh, well, you know, there are really just a lot of little things here that need to be fixed'. And then our contracts administration manager actually lines her up and says, 'So you've closed us today at lunchtime. Is this continuing? What's happening?'. 'Oh, no. No, we haven't formalised it. No, nothing's been issued yet'. So as he leaves—this is at 5 o'clock—she is on the phone outside, and he says, 'So everything's okay?'. And she is just nodding to him. Then he goes. At 4 o'clock the next morning the papers are served. What we do know is that that night, the night of the 21st, at 9 o'clock John Bennie—

Ms CROZIER: At 9.00 pm? The 21st at 9.00 pm?

Mr COOK: At 9.00 pm on the 21st John Bennie, Roz Blades, who was the then mayor of Dandenong, I believe Jody Bosman and Dr Sutton have a telephone conference. John Bennie tells Sutton that he cannot sign the closure order because he has a conflict of interest. Under the—

Ms CROZIER: What conflict of interest?

Mr COOK: The conflict of interest of being a director of Community Chef. So he tells Sutton, 'I can't close it because of that'. So it is then agreed Sutton will close it. I hate to tell you, Dr Sutton has the same conflict. A financier of the level that the department is for Community Chef means under ASIC and under normal business rules, if you are a major financier you are as one with that organisation.

Ms CROZIER: Do you think the Chief Health Officer was pressured by the Dandenong council into closing you down?

Mr COOK: Yes. Yes, I do. I think with most of the documents you will read—and if you want the FOIs we have got several thousand pages—you look at all those FOIs, and Dr Finn Romanes, who is reporting to Sutton and to Angie Bone, in all of his documentation he says, 'Everything we hear from council. Council is telling us this'. They never came in to check. They just accepted everything council told them, and council had an agenda.

Ms CROZIER: So the council had an agenda with you to shut you down, working in collaboration with Community Chef. Is that what you are saying?

Mr COOK: That, I said to you, I will not give you—I do not know. I really do not know, Ms Crozier, because I do not have a document that says that. All I can show you is all their documentation shows that everything we were doing was causing them grief. And as I said to Paul when he first came and started working with us—

And just to give you an idea, Paul has worked seven days a week for eight months with us for nothing, literally because when he first saw the story and heard what was happening he was incensed about what people were doing with the authorisation and what they can do, if I can put it that way.

Ms CROZIER: But with what you have explained to the committee in terms of a sequence of events—

Mr COOK: Sorry, I meant to.

Ms CROZIER: No, that is fine. But I have written down a few notes on those dates; I just want to have it clear as well. It seems that the CEO, Mr Bennie, Roz Blades, Jody Bosman and the chief health officer with their phone call—have had that phone call. So they have—

Mr COOK: Yes, done something.

Ms CROZIER: So do you think that that—

Mr COOK: What I was about to say—I did not finish—was that I said to Paul, ‘You know what? When I look at what these two women did and I look at the risks they’ve taken in terms of perjuring themselves and the stuff they’ve done, I say to myself, ‘Are these two people just psychotic or nuts—

Ms SHING: Sorry, which two were you—

Mr COOK: or has someone told them what to do?’ I am talking about the health inspector, Elizabeth Garlick, and Leanne Johnson, the public health coordinator.

Ms CROZIER: You mentioned that you were closed under the wrong order.

Mr COOK: Under the wrong part of the Act.

Ms CROZIER: I am sorry; under the wrong part of the Act, exactly. Can you explain that to the committee?

Mr COOK: Yes. Dr Sutton, or the secretary, has the opportunity. Because if you read all the documentation, all the FOI, they are making it out that there is a serious public risk by us staying open, and they say that all this food has to be withdrawn and destroyed. There is nothing under section 19 of the *Food Act* that allows them to do that. Section 19 is merely: if you have someone who is doing the wrong thing and they are recalcitrant and they do not fix what you tell them to fix, then you can close them until they do, and you can close them straight up and say, ‘Fix that, then I’ll reopen you’. That is how it is used. Section 44 is completely different. Section 44 allows for the secretary, where there is a risk to public health, to come in, no questions asked—do not wait for test results—and just close me, and she can destroy any food she likes. The kicker in that one is: if she is wrong, she has to pay compensation. Well, they did not. They closed me under section 19, and then they claimed that a specified step to make my food safe and suitable was to destroy it. How the hell do you make food safe and suitable by destroying it? Seven hundred thousand dollars—3.2 tonnes in skips—of pasteurised food. It has been heat-treated.

Ms CROZIER: The specified step, is that what the inspector told you that they were going to do?

Mr COOK: No, the specified steps came through Sutton—Dr Sutton. So what happened—

Ms CROZIER: Via email or via phone call?

Mr COOK: No, via the order, on the closure order. Just to give you an idea, if you close under section 19, you go section 19(1), where the relevant authority says, ‘Okay, there’s something wrong here’. Then you have a 19(2) notice. A 19(2) notice is written up to say, ‘These are the things that we think that you are breaching, that we think you need to fix and do. Please do them by this time. If we don’t trust you, we’re going to close you until you do those things’. Sutton, and please—that is irreverent. Dr Sutton is given this to sign, and this, in 1 hour, goes: 19(1), (2), (3)—‘You’re closed’. And the specified steps are not lawful under the Act. They have nothing to do—in fact I do not want to—

Ms CROZIER: So you are saying that the chief health officer did not follow the law, he did not follow the appropriate procedures in closing you down.

Mr COOK: No, he did not.

Mr BRADY: He is also not a relevant authority. He has no power. He has acted without power. Under section 19(9) the only one that can close Mr Cook’s food place down is the CEO of Dandenong, the secretary of DHS and the Dandenong council—only those three. It is a means definition; it is exhaustive. Mr Sutton has no authority to close down that premise.

Mr COOK: We have received a document that says Sutton has been delegated that power. The question mark is that under law you have means. ‘Means’, when it is in a statute, is exhaustive. If it says it, that is it. When you get to the list, there is no more. Now, people will have debates about whether he could or he could not. At the end of the day, he came from the communicable diseases department. He knew what tests had to be done. He knew that my food had to show a level of bacteria under 100 CFU—that is, a colony-forming unit.

Ms CROZIER: And did it?

Mr COOK: It did; it was 10 CFU. It was 10 times under the legal limit—and that was one of the documents—

Ms CROZIER: Do you have documentation of that?

Mr COOK: I do; I have it right here. And that document was hidden for two weeks. So here is what happened.

Ms CROZIER: Hidden where? Where was it hidden?

Mr COOK: [REDACTED] hid it.

Ms CROZIER: From the department? The department had that—

Mr COOK: No, withheld it. And under the law, under the Act, any certificate of analysis has to be given to me when I request it. I requested the enumeration continuously. He said, ‘Yeah, yeah, I’ve got it. I’ll get it to you’. He did not.

Ms CROZIER: So on the time frames that you are talking about, when you put those requests in, those requests were denied by the department—not on one occasion—on several occasions?

Mr COOK: Multiple occasions. My lawyers wrote for them.

Ms CROZIER: On multiple occasions?

Mr COOK: On multiple occasions, even when my lawyers wrote. And, look, he was forced in the end because he had to send those certificates. The Doherty report, which was even more damning—he managed to sit on that for a month. I was in a meeting with [REDACTED] and Dr Sutton, and he just sat there and lied. He just sat there and said, ‘Oh, no, there’s more DNA work to be done. I can’t send it to you’.

Ms CROZIER: But the Doherty Institute report that you spoke of cleared you?

Mr COOK: Yes, of course it did.

Ms CROZIER: So where was that during this discussion?

Mr COOK: They hid it for a month. I did not get that until 26 March.

Ms CROZIER: 26 March?

Mr COOK: Yes.

Ms CROZIER: The department had that information and they closed you down?

Mr COOK: Yes. By the way, that morning Leanne Johnson took 17 swabs—the morning we were closed.

Ms CROZIER: What date? The 21st?

Mr COOK: No, on the morning of the 22nd: 4.00 am, the 22nd, she took 17 swabs. I did not get the results of those swabs until December 2019.

Ms CROZIER: How long does it take to normally get the results of swabs?

Mr COOK: They were done within a couple of days. They are dated.

Ms CROZIER: It took eight months?

Mr COOK: Ten months.

Ms CROZIER: Ten months. And what was the excuse for them to delay you receiving those results?

Mr COOK: ‘You have to go through FOI. We’re not just sending you documents’.

Ms CROZIER: Who said that to you?

Mr COOK: The department kept telling my lawyers that.

Dr BACH: Thank you, Mr Cook, for being with us this evening. I have got a question, Mr Cook, regarding the apparent failures of process at I Cook Foods and the apparent failures when it comes to the state of your kitchen and what was communicated to you and when, if that is all right. The Minister for Health last October was asked a question in the Legislative Council by Ms Crozier who said:

In May of this year Victoria’s chief health officer, Dr Brett Sutton, said that the investigation identified ...
... some failures of process and some failures of the state of the kitchen.

Minister Mikakos went on to say—this is a direct quote:

Let us not forget that the investigation followed the death of an 86-year-old woman from listeriosis and there was in fact evidence that the source of the listeria was linked to this food manufacturer—

your business. So can I ask: what information from the department of health was provided to you regarding the failure of process and these failures in the state of your kitchen, because of course, to come back directly to the words of the minister, that was the evidence that linked your business to the listeria?

Mr COOK: Okay. So what she said was that the evidence of food linked to the business is just—let me put it this way: when Coles was selling rockmelons that had listeria—and that was an outbreak; it was not a single incident, it was an outbreak. From memory seven people died, eight if you include the miscarriage of a poor woman. Coles was not shut because they sold a rockmelon that had listeria on it. We are all insured against what we call goods sold. What no-one told Minister Mikakos is that the corned beef, which was the culprit, that matched the DNA in the woman, we buy in from a manufacturer. There were two strains of listeria found on our premises in food. Both were found in smallgoods. One was ham; it had a different DNA match to the woman. The second was corned beef, which matched the woman. We buy that product in, as does Healthscope, as does the Domaine village and a heap of other places around. So that is that part.

On the process part, yes, that was what was used directly after, when all of their evidence fell apart. Remember, go back and have a listen to the ABC. Go and listen to all the media. There is not one word about process, really. I do not recall anything. What there is is a whole heap of stuff about being precautionary because of listeria and because I sell to a vulnerable group, which I have done for 30-plus years. So the process—that became the excuse after the event. And I was closed for unsafe and unsuitable food. Now, Dr Sutton had three choices under the Act: one, my premises were unclean or in a state of disrepair; the food was unsafe and unsuitable; or the last one, my handling and processes is likely that the food would be unsafe and unsuitable. They chose the middle one: the food was unsafe.

Now, if the food was unsafe, you had to have a test or something to tell you. How the hell? What, you just guessed that it was unsafe? No. So that is it. So they were going on listeria, listeria, listeria—that is what they hung their hats on. When it all fell apart on them, completely, they then flipped over and said, ‘Oh well, it’s the processes’. So, fine, it is the processes. I get 96 charges: water ponding, unclean, food residue—you name it. That is fine. Charge me. You only needed to win on one or two charges. I would not be sitting here complaining, would I?

This has been a very difficult time for me, and I get very upset because it is this continual lying, which means—

I do not think Ms Mikakos is necessarily maybe a nasty person. I really do not know the woman. But she is being given absolute rubbish. And when they did finally send their own inspector in and you get her report, you read it, it matches what Garlick and Johnson said, and then, just to add insult to injury, she talks about ponding. The woman never saw ponding. She had to get a photo from Elizabeth Garlick to insert. And when they sent us

the FOI, they sent me an email to say, 'Hey, listen, I didn't get a photo of ponding. Can you send me one?'. Are you kidding me? So she writes a report. Everything that was done after the event was done because I think they realised that they had cocked up big time and now, instead of coming out and saying, 'Hey, let's fix this', they then went into cover-up and they were just going to destroy me.

Gabrielle Williams' chief of staff, when he found out and he tried to help me—he is actually a nice bloke—what did he say? When he realised that Dr Sutton would have to have a media conference, when they realised all of this and it was all wrong, he said, 'Ian, that's not going to happen. They're going to try and send you broke, mate'. That was the nub of what he was telling me. I walked out of there devastated.

The CHAIR: Thank you, Mr Cook.

Dr BACH: Do I still have a—

The CHAIR: No, you do not, I am afraid.

Ms VAGHELA: Thank you, Mr Cook. Thanks for your time today. Once the revised closure order was given to I Cook, were you provided with advice as to the actions your company could take to enable you to reopen the facility?

Mr COOK: Yes. Yes, I was. It is actually written on it.

Ms VAGHELA: So if you had complied with the conditions of the order, you could have reopened the facility?

Mr COOK: No, I cannot comply with them. They are illegal. Let me tell you—let me talk about the things they wanted me to do. First of all, I had to have a gap audit within 72 hours, which is a breach of the Act. The Act—I have forgotten—a much longer time you are given to—

Mr BRADY: Twenty-eight days.

Mr COOK: Twenty-eight days—thank you—is what the Act says. So, anyway—by the way, we complied with one; we got that done. The gap audit—now, you cannot fail a gap audit. A gap audit is: you are here, we expect you to be here and this is what you have to do to go between. That is what a gap audit is. Now, there is no gap audit in the Act or under food standards. It is something that outside industry uses as a term.

So the gap audit guy comes in, and we know he was gotten to because we have got Johnson saying on her body camera—I think they forget they have got these things on sometimes. She sits there and says, 'Um, don't worry, Ben', when she is talking to Ben, our general manager, 'I'm going to give the auditor the heads-up. I'll let him know everything I've found here'. And this is independent?

Anyway, so he comes in to do the gap audit, and he fails our whole food safety program. This thing has been passed for 10 years and been updated—you name it. Now, it is a 16-volume document that covers everything that we do—and he fails it. So how do you fail a gap audit? And how does he fail it? He fails it, and every point he makes is just a rewritten version of what Johnson and Garlick have written in their bogus 19 notice. So that is number one.

Number two, they then say: you have to follow Australian standard 4.3.2. I challenge anyone to go and find me Australian standard 4.3.2. It does not exist. Now, I assume it is a typo, except it goes through the whole document many times. It is 4.2.3. Now, this is a livestock live meat standard. It is a standard that applies under PrimeSafe. It cannot be applied to a food manufacturer. They could not audit it. It cannot be done. How do you do that? And then, if I find it, what did they do? Then they said, 'Oh, we're actually trying to help you here, Ian. We're trying to get you open as quickly as you can, so you now have to have a sampling program'. 'Really? Okay. What's the sampling program?'. 'Well, the sampling program has to be in line with 4.3.2'—that does not exist, and if it does, it is the wrong one. Now, the sampling program, according to 4.2.3, says that if you test product and you find that you have got listeria, then you should hold that product until you have two consecutive tests that do not have it. But you should test. They asked me to do a test and hold program on chilled meals. It takes four or five days minimum to turn the test around. Want to know what the shelf life of my meals are because they are fresh chilled? Five days. They were making me do something that meant I

would have to be selling unsafe and unsuitable food. That is two years jail. How do they give me these things to do that I cannot do? This was so rushed. This was such a dog's breakfast.

You know what? My lawyer—who is a civil lawyer and said 'I can't help you' when I was charged but is helping me again now—said to me when he first read all this stuff, 'This is a lay-down misère'. That is until he found out that you cannot have negligence against the department of health because a regulator has no duty of care for the people it regulates. Man, if you ever change the law, ladies and gentlemen, you need to have a look at that, because this—

Anyway, misfeasance is misfeasance. As soon as you do illegal stuff or you do not follow the law, then that is it. It will happen. It is just this system is extremely slow and it is designed to try and send people like me broke so that we go away and nobody has to answer for it. Well, I can assure all of you tonight Ian is going nowhere.

The CHAIR: You have run out of time, I am afraid.

Ms SHING: Thanks, Mr Cook. I appreciate that this is actually a really difficult process for you and for everyone else who is here, and your candour is a really important part of this particular process. I would like to get a bit more of a sense of the corned beef presence and the way in which that figured within the slicing or production or preparation area given that it seems to me that that is the only thing that had a DNA match to the listeriosis that was identified. Is that correct?

Mr COOK: No, in actual fact

Ms SHING: Am I misunderstanding that?

Mr COOK: That is not quite true—of the source ingredients. So what happens when council comes in and does something like this and does testing is they will say, 'Okay, what do we need to test here? We need to test sandwiches'. So they will get the sandwiches and samples of what you have got and they take them away. By the way, they are supposed to pay for them—that has never happened. So they take the samples away and those samples get tested. Now, in this case it was mixed sandwiches, so the mixed sandwiches are taken away. Then they will say, 'Okay, where are the source ingredients? Where do you get the corned beef from?'. We say, 'Okay, we buy the corned beef in. Here it is'. Now, in this particular case we buy whole corned beef from a supplier. That corned beef gets sliced and vacuum packed.

Ms SHING: Where does it get sliced and vacuum packed?

Mr COOK: We slice that ourselves, so that is sliced on our slicer. The slicer that does that is what we call a hands free, so when you people think of—sorry, honourable members.

The CHAIR: No, no, no, 'us people' is fine.

Mr COOK: When you go to the supermarket and you see someone slicing corned beef and touching it, in the sort of environment we use that does not happen. What we do is the meat is taken out of its package that comes from the supplier. Literally that is taken out by someone wearing gloves. It is loaded into a hopper and it is not touched. A thickness is dialled up, a button is pressed, it goes straight into an out feed and onto a tray without being touched. The gloved hand that put it in puts it into a vacuum bag. It is vacuum sealed, all done under temperature control, and back in the fridge. That is what was asked for. That is what was then taken and sampled. ██████ said to me, 'Well, obviously you contaminated it, Ian, because you sliced it'. A couple of things happened. One, the ham that also had listeria on it, we had two complete fully sealed packs of the very next batch when they closed us—remember, 18 days has gone past by the time they come back in. That showed listeria—*Listeria mono*, which is what they are testing for.

Ms SHING: It was a different strain, though, wasn't it? You said—

Mr COOK: Yes, it was a different strain. But ██████ said to me, 'Ian, you can't hang your hat on that'. I said, 'What do you mean?'. Apparently you can sell something that is dangerous as long as it does not match the illness of this woman, which I found quite extraordinary. But putting that to one side, the corned beef had been taken, had been sampled. How do we know that the corned beef came in with it in it? Because how the heck do you get two identical cases in Queensland unless they had the same food source? And we know that because you have a national database and the national database is there so that you can track listeria. Do

you know that a man died in Queensland and they could not work out where he had eaten the listeria, and it was just one of those perplexing things. And they went through his diet—he had been eating nectarines. Then they got a hit in America for an identical DNA. It turns out he had got nectarines that had been imported by Woolworths into Australia, and one of them had that, and they had had an outbreak in America. So you can see—

Ms SHING: But just on that, just by way of follow-up because I am trying to get my head around the processes for cleaning the hoppers and the slicers as they operated—

Mr COOK: They are fully washed. Every day when they finish slicing they are fully washed. Once they are completely done—you will see there is a big sign; I can show you photos off body camera, nothing to do with us, from the council—before they are used they are all sprayed with a bactericidal food-safe sanitiser.

Ms SHING: Before they are used again the following day.

Mr COOK: No, no. We clean it. It sits there clean. Before I slice for your sandwich the next day it is sterilised before that happens. Now, you asked before about—there was a cucumber that also got a hit for the same DNA, right? A slice of cucumber. The thing you have got to remember is that this product sits on a series of containers like a sandwich bar but it sits above a conveyor and the sandwich bread comes along and there is a person putting each thing. So what happens with mixed sandwiches is everything touches everything, so once you have got listeria in something you are going to get a hit on odd things, that is all.

Ms SHING: And finally, before you move on, because I suspect my time is running out—

The CHAIR: You have got about 90 seconds. Thank you, Ms Shing.

Ms SHING: There we go. I will make it quick. So before the incident occurred, when was the last time that you had undertaken a deep clean of the facility in addition to the sorts of practices that you have just outlined around the hopper and the sterilisation before—

Mr COOK: I am more than happy—if you have the time, I will bring in videos that show a complete and thorough wash down every single afternoon. The whole place is flooded, washed, squeegeed and dried.

Ms SHING: Is that the deep clean within the meaning of it?

Mr COOK: Absolutely, deep clean.

Ms SHING: Every day?

Mr COOK: Every day.

Ms SHING: So the day before the incident—

Mr COOK: Yes. In fact because apparently they had seen this clean that they did not see and deemed it no good, I actually went and watched the video that we had held to see what the forensic team had done compared to what we had done the night before. Remember, we were still directed to do a deep clean.

Ms SHING: So just quickly, there was cucumber, corned beef. Because they all come together, yes? So lettuce and other things.

Mr COOK: Yes. So when they talk about the six samples, well, two of them were a different genome—they were the ham. So you have got ham and then you have got mixed sandwiches with ham in them, and then you have got mixed sandwiches with corned beef, cucumber, egg et cetera in them, and so there was a hit. I have no idea why MDU decided to sample each little quarter separately, but that is what they did. We do not know why. It is not procedure.

Ms SHING: So it was cucumber, corned beef. Were there other—

Mr COOK: And egg.

Ms SHING: And egg. Thank you. Sorry, I suspect I am about to be cut off, so I will give that back to the Chair.

The CHAIR: Yes, you are.

Mr ERDOGAN: Thank you, Mr Ian Cook, for coming along today and informing this committee. I just have a few questions—a few different issues actually that are coming out of what you have said. You said that you got a lawyer. When did you actually engage lawyers? Because you said you had spoken to a friend who was a lawyer.

Mr COOK: No, no. I have lawyers, company lawyers.

Mr ERDOGAN: You have company lawyers. The whole way through this proceeding, dealing with the different departments, did you have lawyers assist you?

Mr COOK: Yes.

Mr ERDOGAN: You did. Okay. And I guess one of the questions I had was I read through the documents and your facility was classed as a class 2—

Mr COOK: They actually classed it as a class 2A, which it does not exist.

Mr ERDOGAN: under the Victorian *Food Act*. But it is giving out food to people who are quite vulnerable cohorts. Would you recommend those cohorts in hospitals to eat that food although you are saying it has got listeria?

Mr COOK: There are a couple of things you need to know. Number one: sandwiches with smallgoods, by the department's own guidelines, should not be given to immunocompromised patients. Now, sandwiches ordered from me by Healthscope—I have no idea who they are giving them to. They ordered 300 ham sandwiches. Every day we had to make them for them, and then we would make another couple of hundred mixed sandwiches. Now, they could be going to day patients, which are fit, young, healthy adults who it is not going to be a problem for if there is listeria present. You have all eaten listeria. I can absolutely promise you that. It is on your feet, it is around you—as the department says, it is all everywhere.

Mr ERDOGAN: So even at low levels, if Healthscope was to provide those sandwiches to vulnerable cohorts, it was not exposed.

Mr COOK: I would suggest that would make Healthscope liable wherever they bought the sandwich from. If they are giving sandwiches to people who are immunocompromised, then someone should go and talk to Healthscope. No-one did. There is a legislated safe limit for listeria. We were 10 times under it.

Mr ERDOGAN: Was listeria found in all the products, all the sandwiches? Is that what I understood from the previous answer?

Mr COOK: How do you mean?

Mr ERDOGAN: Because, like there were five or six different types of sandwiches. So, on all of them?

Mr COOK: No, they were just mixed sandwiches.

Mr ERDOGAN: They were mixed sandwiches.

Mr COOK: And they found it in the mixed sandwiches. Now, when you send mixed sandwiches in for sampling, what the lab should do is pick up the mixed sandwiches, they vitamise the whole lot, they take a sample and they grow that out. It is no good. Because sandwiches are cut with what we call a reciprocating knife—so a knife that goes like that—if you have got a bacteria in there, it could be in one. As soon as you have got something with bacteria in there, you are going to have it turn up in the funniest spots just because you are spreading it, effectively.

Mr ERDOGAN: And earlier you gave an answer—you said that you have, is it, three audits a year? Was that right?

Mr COOK: Yes, that is correct.

Mr ERDOGAN: So it is audits from—the only other audit I know is an accounting audit. Do you hire the auditors to come in, or how does it operate?

Mr COOK: Yes, we have to. Well, we have to pay them.

Mr ERDOGAN: You pay them.

Mr COOK: You get one audit. Well, you do not pay for the one from council. So you get one from council. The only difference between a class 2 and a class 1 premises, which they made a big deal about, is a class 1 has to have a customised food safety plan. A class 2 can have the option of using the department's template. We use ISO 22000—that is, international standards organisation. So if you look at levels of professionalism, you have the department's template that restaurants, cafes and those people tend to use. That is the lowest level. Then above that if you are a class 1 and you have your own dedicated food safety plan—you have engaged someone that may do it under HACCP principles that might even be HACCP—you do that. And then if you want the Rolls Royce, you go to the trouble of having ISO 22000.

Mr ERDOGAN: And you get that certified?

Mr COOK: That is certified. The guys that check that out are extremely qualified, and take ages and put you under the griller every time they come, and I have passed every one for the last 10 years. So that is 30 audits that we have passed. But apparently on the week of the 22nd all my employees—everybody—forgot what they were doing and we failed.

Mr ERDOGAN: I appreciate that. I worked at a firm which also had ISO certification, so I understand a little bit about that process.

Just one last question, because before the public hearing came on I did obviously do a bit of background reading and saw some of the footage or the television program in relation to what has occurred. I noticed that Mr Paul Brady has volunteered his time—thank you very much for coming along. But did you hire a PR firm to actually assist you with that process?

Mr COOK: No. When this first went down, I had media calling me from everywhere, and we were blind. We had no test reports; we had nothing. Even the reports that they had done on the 18th, we did not get those until after we were closed. And then what did we get? They gave me six. All they sent was six. Out of 15 reports, they send six. Why? They sent me the six with the listeria. He is a really nice bloke, [REDACTED], so he sends me the six to make me feel bloody awful. What did the others show? The others showed that the egg, which we manufacture, the chicken, which we manufacture—all clear. The stuff we bought in—oh, kazing. It has got it in it. Okay.

Mr ERDOGAN: That is my question. My only question was whether you had hired a PR firm.

Mr COOK: Okay. I am sorry.

Mr ERDOGAN: Yes or no. That is all. Thank you very much for that.

The CHAIR: I think the timing is perfect, Mr Erdogan. The timing for that was perfect. Thank you, Mr Cook. Are you okay?

Mr COOK: I am fine. I just had a—

The CHAIR: It is a remarkable circumstance.

Mr COOK: Do you know what? Some of this stuff, because it takes me back, it makes me remember, and some of it I had put aside for a while. It is fine.

The CHAIR: I can totally understand. Your eye for detail is amazing.

Ms MAXWELL: Mr Cook, thank you so much for being here tonight, and everybody else who has come. Mr Cook, can you very briefly explain to me what role—I am actually going to move away from the listeria for a moment—if any, did the slug play in closing your business down?

Mr COOK: It was because two serious breaches of the *Food Act* are, one, to allow an animal into your facility and, two, to not prevent a pest from entering your facility, so it is very serious. When it happened I was just dumbfounded. I just thought, ‘How the heck did that happen?’. You sort of think if somebody had said to me there is a slug there and it is one of those tiny little 2 or 3-millimetre ones that you occasionally get at the bottom of the lettuce or in a stick of celery or whatever, fair enough. It would get washed down the sink; it would be killed by our ozone generator, which sterilises the water in the sinks. When Michael—because I had just got back to the factory after this had happened—Michael, my brother, showed me this photo, this thing was

5 centimetres long. I thought, ‘What the?’. It was 24 or 25 degrees and bright sunshine outside. There was no silver trail, no nothing.

Now, that became a focal point. I know it became a focal point for the media. They thought it was terrific. For me, it became nearly \$1 million worth of charges and something that would have been, if we had not had all those cameras in place, very difficult for me to fight. In fact if I had not had the surveillance that I have in that facility, I may very well right now be facing a jail term, because when we got the FOI, Dandenong had had a meeting—as I can show you on an FOI document—on the 19th. So you have got Elizabeth Garlick, who has come in on the 18th, the only one. On the afternoon of the 19th—she comes back on the 19th to serve the orders, then she disappears again. So one person has seen the facility; that is her. She has a meeting back at Dandenong. She is the note taker, and she writes, ‘How do we close I Cook Foods?’ and she quotes a Magistrates Court order. She quotes the—

Mr BRADY: Planning and compliance.

Mr COOK: planning and compliance. What is the other Act?

Mr BRADY: Section 8?

Mr COOK: No, no. The other Act.

Mr BRADY: Public health and wellbeing.

Mr COOK: the *Public Health and Wellbeing Act*. None of these things have anything to do with it. They wanted to close us—whatever. On that day, on the 19th, they had already decided, ‘We don’t care. We’re going to close them’. And then she writes, ‘Contact previous auditor to see if we can get knowingly in section 8’. That made me cold, literally, and thinking about it now I literally get a bit shaky about it. Have you have got any idea of what section 8 is? If you sell food knowingly under section 8, two years jail. This woman wanted to get me in jail, or whoever was at that meeting with her. They are fabricating evidence, and I am thinking, ‘Thank God for the cameras’. Can you imagine otherwise? You know, it is like I said to you in the beginning: if someone else had told me this story in the food industry, I would have said, ‘Oh, take it easy. It doesn’t happen’. I have got news for you: it does.

Ms MAXWELL: Mr Cook, can I just take you back again? Slugs are hermaphrodites, which means that each slug can produce up to 300 slugs, and they lay in batches usually between 10 to 50. I am curious to know, given the slug was found on your premises, how far is the kitchen in proximity to soil outside because you were saying that you do a deep clean every night, which means it hoses it all down.

Mr COOK: Yes.

Ms MAXWELL: Now, they do not like that environment. They like moist but not wet environments. So how far is it to external soil and was there ever any indication of a slug trail? You usually know where a slug has been.

Mr COOK: Yes, yes, you would see the silver. To answer that question for you, we have Hayes Pest Control. They put traps all the way around. Just near where the slug was planted there is a fire exit door. That fire exit door is sealed all the time; no-one uses it because it is just for that purpose. However, because it is a point of ingress or egress they have two bait stations either side of the door. Now, the reason Hayes Pest

Control always know when there are slugs around, if they are around—they say, ‘Rarely up the back because up the back is all concrete’, and then our back neighbour, if I can put it that way, theirs is all concrete. There are a few little strips and things, and there is a possibility of getting a slug in the cracks between, if they decide to live there. However, the reason they know is, what they do is, the baits which are there for rodents—because there is always going to be mice and rats and things outside—they are there, and they wrap them in Glad Wrap, and the reason they wrap them in Glad Wrap is because slugs love rat bait, so they always know when they have had it because they come up and they chew through the plastic and they eat the rat bait, and then they leave a little silver trail. As the guy said to me, ‘It’s just too hot. They just won’t come out’. He said, ‘Not in February. That’s ridiculous’.

Ms MAXWELL: Thank you, Mr Cook. Just one more very quick question.

The CHAIR: Very quick, Ms Maxwell.

Ms MAXWELL: How often do you actually have Hayes Pest Control come to your premises and survey your floor?

Mr COOK: They are contracted. They are there every single month. They do all the bait stations, they check all the rats are out. We also have insect control. They go to the trouble, by the way, when they empty the insect control, to count the different insects. So everything is very thorough continuously. So she comes in on the Monday, they were in on the Friday. That is how we know that there was no slug activity.

Ms SHING: I am holding Mr Tarlamis’s time, if that is all right, Mr Cook. So you have mentioned MDU, the laboratory.

Mr COOK: Yes. They are a diagnostic university lab.

Ms SHING: So they are an independent lab?

Mr COOK: MDU and Doherty are all related because they are all part of Melbourne University, and they also have the Royal Melbourne Hospital as part of Doherty. It is the pre-eminent genetics laboratory in Australia.

Ms SHING: So MDU is an independent lab?

Mr COOK: Yes.

Ms SHING: That is fine; I just wanted to clarify that. Based on the chronology that you have given us earlier, you were closed for about four weeks, give or take?

Mr COOK: Yes.

Ms SHING: What happened at the end of that four-week period? Why didn’t you reopen if you had—

Mr COOK: We did reopen.

Ms SHING: You did reopen?

Mr COOK: Yes. We did not have any business though. You see, what happened is they destroyed all my contracts and all the contracts I had were council contracts, and unlike Community Chef, they have to go to tender. So because it costs 20 grand a month to start our facility, I could not just tender for one contract because what price am I going to tender at? I am not going to win it if I price it at running the whole damn facility, and I do not know if I will get another one. I actually wrote to a number of councils and said, ‘Look, if three of you could get together, we might be able to do this’. They went out on their own. By the way, remember I was then on charges and I was told by a couple of them, ‘You know what? We’re not sure what happened exactly and we understand that this doesn’t look great and blah, but—

Ms SHING: So you wrote to a number of councils. Were any of those councils shareholders in Community Chef at all?

Mr COOK: No, no. The ones we dealt with were not.

Ms SHING: They were not?

Mr COOK: No.

Ms SHING: Okay; cool. When you say you did reopen, what did you do? What falls within that definition for you, given that you could not actually get any—

Mr COOK: Unlock the door and go in. I could cook in there. It has got a beautiful kitchen. If you want to come down we could—

Ms SHING: So what did you do when you reopened? Can you just flesh that out? After the four-week period had finished you said you could not get—

Mr COOK: No. We reopened. We contacted a number of the aged-care facilities that we did that are not contracted. However, the information we got back was, one, they are risk averse and ‘Just at the moment, given what’s happened, no’. Now, right at that point in time also I went to Argentina. So if I can tell you about our texture modified. We do have the patents in place. Our texture modified—we won the IDDSI challenge, which is a worldwide challenge. We can make texture-modified food look like real food and people do not realise it. As a matter of interest, any of you who saw the ABC and all the other reports of when we were closed, and they were showing I Cook Foods food, what you were looking at was texture-modified food. That food you were looking at, that looked like real food, was ours. We were giving dignity back to people. Neale Daniher is able to go to a presentation, and instead of leaving and not being able to dine with the people he is trying to get a donation off, his wife now takes our food so that he can dine with dignity with them and with respect. Everybody else just makes blobs.

Ms SHING: So again, to go back to the reopening period, when you said you went to Argentina, was that immediately after the closure?

Mr COOK: The exact dates I would have to help you with, but—

Ms SHING: About six weeks after the closure?

Mr COOK: Yes, and I went there because they were interested in buying the rights and getting some stuff exported to get them started and do it there.

Ms SHING: And final question, if I may, just to go back to my earlier questions around I think it was corned beef, egg and cucumber that you talked about.

Mr COOK: Yes.

Ms SHING: There were six samples—

Mr COOK: Okay, so there are two—

Ms SHING: Sorry, just let me finish if I can. There were six samples of sandwiches that were found to contain listeria; is that correct?

Mr COOK: Yes.

Ms SHING: And four of those samples matched the listeria that was found in the deceased; is that correct? Yes? Okay. So the other two were different.

Mr COOK: Yes.

Ms SHING: So they are different sorts of listeria, and we have talked about the distinction between—

Mr COOK: Different family.

Ms SHING: Yes; okay. So if you have got multiple types of listeria, were they both only tracked back to product that had come from elsewhere and been chopped up in the hopper, for example, on site?

Mr COOK: If you actually look at the samples, there were not six sandwich samples. There was ham directly from the source, there was corned beef directly from the source—

Ms SHING: Both received in bulk.

Mr COOK: Yes. The ham comes in pre-sliced. Both of those got hits for *Listeria mono*. There were two lots of sandwiches—I might need some help here—so the mixed sandwiches with ham obviously matched the ham listeria, so that is the two you are talking about. Then the four were corned beef, then corned beef mixed sandwiches, and there were two lots of corned beef mixed sandwiches. When they tested the other lot of corned beef mixed sandwiches the listeria ended up in the egg, but the egg from the source, which was also tested, was clear. Got that?

Ms SHING: Yes. Thank you very much. That is fine. And you did not have any transactions or sales after you reopened? So you opened the doors, but you did not get any work despite going to aged-care facilities—

Mr COOK: I went back to all our customers and they—

Ms SHING: You went to all of your customers.

Mr COOK: I went to all the customers that were not council contracted ones. Then I went and presented at a Meals Victoria meeting. I told my story at that Meals Victoria meeting. I was asked at that meeting to make sure I wrote to all councils. Every council that we did, I offered to meet with their mayor, their CEO, to go through some of the evidence like I am telling you today so that they would understand what happened. They were all very polite, but, ‘You know what? This is a bit difficult’.

Ms SHING: So you were not actually able to practically reopen, then.

Mr COOK: No.

Dr KIEU: You mentioned that you use some of the very high standards in the ISO 22000 which are way above the departmental or the act template that are required.

Mr COOK: Yes.

Dr KIEU: And particularly you were providing food for aged care and hospital people.

Mr COOK: Yes.

Dr KIEU: So what classification do you have for your facility?

Mr COOK: We do not get to choose the classification, the classification is chosen by the council. So Leanne Johnson, who is the woman we are talking about, issued our registration certificate from the year before in the June—because it goes June to June—as us being a class 2a. What Dandenong did was they changed their classifications, so instead of having class 1 and 2 they said, ‘Well, we have some operators that are selling to vulnerable groups, but they are also selling to others, so they are not really a class 1’. Because technically for class 1 you have got to be directly serving hospitals or children—the vulnerable—directly. We do not do that; we sell to people who serve it to them. So what they decided was they were going to make their own classification of class 2a, which meant that we were up there with class 1. You know what? I have been a class 1, I have been a class 2—I have no choice in the matter—they tell me. I do have a choice about the food safety standards I operate to, which is why I go a mile above all of them. Just one simple point: we use Gastronorm trays. You have probably all seen them in bain-maries. We use thousands of them.

Ms SHING: Are they the big metal ones?

Mr COOK: Big metal ones. They go through the dishwasher, they come out of the dishwasher, they are dried. But you nest them; they are designed to nest. If you nest them and just put them on a rack and leave them, that warm, moist air that is in the scullery will condense and you are left with moisture. What do you need for bacteria? You need moisture, you need food, you need warmth.

So, with my head chef one of the things we used to do was—because we knew we needed about 1600 a day, we had five 40-tray ovens—once the day is finished, and the cleaning, they all came out. They get loaded on. They go into the ovens and they are heated to 230 degrees. Nothing survives. Once they are blitzed, they then go onto a rack where it says, ‘heat-treated trays’. No-one is allowed to touch a tray for food unless it comes from those shelves. Nobody else I know does that. When we explained that to Elizabeth Garlick she said, ‘Well, if you washed them properly in the first place, you wouldn’t have to do that’. And that is on body camera. So I have got an EHO telling me, ‘Don’t do something that is incredibly safe’.

Dr KIEU: So you are satisfied with the classification 2a that you were given?

Mr COOK: Yes, I am satisfied. They can call me whatever they like. I am way above whatever they could give me.

Ms LOVELL: So, Mr Cook, you mentioned the ham, the ham sandwiches, the cucumber, the corned beef, the egg, that all tested positive. You said they were all bought-in products.

Mr COOK: Yes.

Ms LOVELL: Did the department then test the suppliers of those products? Did they pursue how that listeria might have gotten onto those products?

Mr COOK: No, no.

Ms LOVELL: So they did not go to where the source may have come from? They did not test them? They did not close them down?

Mr COOK: No.

Ms LOVELL: Okay. Interesting. Also, just quickly, have you ever been the subject of any adverse food health findings in the past, and if so, what were the circumstances?

Mr COOK: Never. Nothing, ever.

Ms CROZIER: You mentioned that Ms Garlick said—from her notes, I think you said—‘How do we close I Cook Foods?’. What notes were they?

Mr COOK: They were meeting notes from the afternoon of 19 February.

Ms CROZIER: And have you FOIed those? How do you know about those notes?

Mr COOK: Yes. That is all part of the FOI documents we have, so here she has got—anyway, she has got a number of things here:

Audit report—does this support the ‘knowingly’ component of section 8 of the act?

Ms CROZIER: And that is a two-year jail—

Mr COOK: That is two years jail.

Ms CROZIER: So there was a deliberate intent by Ms Garlick to close you down, based on those comments?

Mr COOK: Yes. Well, under that, she says, or she is making notes. Remember, this is a meeting, according to this document.

Ms CROZIER: Who is she meeting with?

Mr COOK: I believe she is meeting with the team.

Ms SHING: Which team?

Mr COOK: So there is Leanne Johnson, there is Elizabeth Garlick—

Ms CROZIER: The Dandenong council.

Mr COOK: Yes, and she may have had other EHOs. In fact you may ask, when you are speaking to Kim later. She may have a better idea than I do. But she says here:

Can we get a closure order enforced by a magistrate under Public Health and Wellbeing Act, prohibition notice, anything from planning and compliance to stop them operating?

What is going on? We have got a *Food Act*. This is meeting notes on the 19th.

Ms CROZIER: So there is a deliberate intent to shut you down?

Mr COOK: Yes. This is before Johnson even turns up.

Ms CROZIER: What relationship does she have with Community Chef?

Mr COOK: I have no idea, but she is doing a good job for them. It is like they say, when I think about this, I think about the slug. An environmental health officer is an investigating official under the *Crimes Act*. These people have extraordinary powers.

Ms CROZIER: Has she breached her code in your opinion?

Mr COOK: Absolutely. Ask Paul. Has she broken the law?

Ms CROZIER: Has she broken the law, Paul?

Mr BRADY: Under the Act she is actually an investigating official, under 464 of the *Crimes Act*, which means that she is subject to certain obligations—for example, cautions, fairness and frankness, and transparency. And all those were lacking, particularly with these two EHOs.

Dr BACH: I will take you back, Sir, to the question that I asked before. We just ran out of time. I was asking you a question about some comments that were made in the house last October by Minister Mikakos and you had made a point. Do not let me put words in your mouth, Sir, but you had made a point about the fact that you thought—noting that, you know, you did not want to make any personal comments about the minister—that she had gained this advice. I was going to ask you whether you had any idea where this advice came from which in your view, as you put to our committee, was erroneous.

Mr COOK: Yes. So I can only—I do not like making assumptions, but I have to say that the advice could only have come from the food safety unit, so I would believe that the advice is coming from [REDACTED]. [REDACTED] by the way, he knows what safe levels of listeria should be, because listeria does turn up at different times. I have an email from him that actually sent through to Dandenong that says, ‘Oh, because a particular fish in fennel sauce, where raw fennel was used, had a hit for listeria’. It was under 10 CFU again, and also that product has to be heated, okay? And it is under five days, it is a chilled product—completely safe, no problem at all. And he writes back to Dandenong and says, ‘Oh, yeah, that’s fine. It’s under 10 CFU. Everything’s terrific. Ta. Paul’.

Dr BACH: How do you have these documentations, sorry, Sir?

Mr COOK: They are all FOIs—most of them.

Mr BRADY: That one was emailed to us.

Mr COOK: Oh, sorry, that one was emailed to us, yes.

Dr BACH: Okay.

Mr COOK: We have a mountain of documents, I can assure you, and some of the stuff that we have been given—I think the issue here is I do not think when these people release these FOIs they realise that we have

watched every single minute of 22 hours of body camera footage and when you put it together you get the picture.

Dr BACH: Sir, very quickly before I finish, you made a point about Mr Bennie and a conflict of interest as you had explained.

Mr COOK: Yes.

Dr BACH: Can I just press you further on that? Are you aware of whether Mr Bennie has any links with the Labor Party?

Mr COOK: Does Mr Bennie have links with the Labor Party? I do not know that, no.

The CHAIR: And Dr Bach, let us just stick to the closure of I Cook Foods and within the terms of reference, thank you.

Ms VAGHELA: So your company was certified to ISO 20000 standard?

Mr COOK: Yes, 22000.

Ms VAGHELA: And you were holding that certificate?

Mr COOK: Correct.

Ms VAGHELA: And you were getting every year independently audited?

Mr COOK: Yes.

Ms VAGHELA: Now, when you got the gap audit done, against what standard was that audit done?

Mr COOK: So now, that gentleman is only qualified—I think he might be qualified for HACCP; he is not qualified for ISO 22000. When you bring in an auditor who is—it is a third-party independent auditor but they had to be registered with the department of health, which means they get their income because they are registered with the department of health. He came in and he audited us against what is classified as a—help me, Ben, here—class 4 national auditor certificate, which means he is auditing my ISO 22000 against basically the basic food standards or the template that the department use. What they call it is it is audited against the principles of HACCP, not as if it is a whole HACCP classification. Extraordinary, absolutely extraordinary. And if you read this report, it is just—

I mean, what are some of the things he comes up with? He comes up with the fact that because we had in our documentation a risk analysis report for a bacon and egg burger—by the way, it is a burger bun with bacon and egg—he said, ‘Yes, but you haven’t shown me here anything about how you cook the burger’. Well, there is no burger in it; it is just bacon and egg. And this was a critical nonconformance. Please, any other time I would be laughing, too, but this is ludicrous. This was just a stitch up.

Ms SHING: Thanks, Mr Cook. I just want to go back. So you talked about the meeting notes that you have referred to earlier, that you received under the FOI, in response I think to Georgie’s questions.

Mr COOK: Yes.

Ms SHING: So that was Leanne, Elizabeth and someone else from the team we do not know; there was some sort of team meeting.

Mr COOK: Yes.

Ms SHING: What date was that?

Mr COOK: This was on the 19th.

Ms SHING: So the 18th was when the listeria was discovered, is that correct?

Mr COOK: Okay—

Ms SHING: Yes, this is where I am getting the chronology.

Mr COOK: Okay, let us go through them.

Ms SHING: Yes.

Mr COOK: Samples are taken on 1 February. They do not get results for 18 days. When they get the results on the 18th, Elizabeth Garlick—because it is a referable condition disease, they cannot give it to council to investigate; it has to be investigated by the department. If the department does not have the resources, they effectively second or make EHOs of an area their agents. They tell them to go in, and they give them instructions on what to do. That is what happened. She was sent in to follow up on the testing, and she was told a couple of things. She was told to ensure that we do a clean down, and under the rules, under the guidelines, under the rules that they work under, she is supposed to supervise that until she is satisfied it has been done properly.

Ms SHING: Yes, but the reason I am asking is I am trying to get the chronology.

Mr COOK: By the way, she never did come in.

Ms SHING: You said that, I think, in your opening remarks.

Mr COOK: Not that bit I didn't, but anyway. Sorry, go on.

Ms SHING: I am trying to get the chronology straight in my head in relation to the dates of the meeting. Were there results that had indicated the six or seven positive returned results for listeria available before that meeting, at which those various potential courses of action are written in those notes?

Mr COOK: As far as we know, and I can only tell you what is in the brief of evidence, according to the brief of evidence Leanne Johnson had received all of the reports which were, what we call, positive in 25—so they were just saying that listeria was there—on the 18th.

Ms SHING: And that is dated the 9th?

Mr COOK: No, this is the 19th.

Ms SHING: So that is the day after. Then there is a meeting at which potential courses of action are written in the way that they are written, to go back to the questions that were asked earlier. So the day after?

Mr COOK: Okay, the course of action, if you go back to it—even the meat standard they tried to put us on—is: when you do a test for listeria in this situation where you have a product where the growth of listeria cannot occur, under food standards you have to do an enumeration. So you take your sample and you grow it out and you say, 'This is it'. She did not have that.

Ms SHING: But the point of my question is that listeria had been detected—

Mr COOK: If—

Ms SHING: Sorry, just so I can finish—the day before those meeting notes are dated. Is that correct?

Mr COOK: That is correct. If by that there is a suggestion that somehow they had to take sudden action because they found listeria, then you know there are going to be a lot of closed businesses in Victoria next week.

Ms SHING: I am not suggesting anything; I am just trying to get the chronology straight in my head. The other thing is: did you have any other contracts with any other shareholder councils? Was it 21 councils?

Mr COOK: Yes. One of the reasons that we were not—and as I said, we never engaged them. I actually rang Joe Ciccarone once, when there were changes to all of the My Aged Care and the national stuff. We actually contacted them, and they thanked me very much for reaching out. He came down and he saw us with

his chairman and said, 'We possibly should maybe lobby together because of My Aged Care and talk about how good Victoria's standard is et cetera. I never heard from him again. That was it.

Ms SHING: You did not have—Dandenong was the only one?

Ms LOVELL: Can I just ask: who is Joe Ciccarone?

Mr COOK: He is the CEO of Community Chef.

Ms SHING: So you did not have any other contracts with any other councils that were shareholders of Community Chef? Not Community Chef proper but the 21, I think we said, that sit underneath the shareholders?

Mr COOK: Yes, that is right. No, they are all shareholders; they have to be shareholders to buy from them.

Ms SHING: Yes, but did you have any other contracts with other councils?

Mr COOK: Only the ones that left. So Monash left and came back to us; Boroondara left and came to us.

Ms SHING: Okay. That is very helpful. Thank you very much.

The CHAIR: My goodness, thank you so much, Mr Cook.

Mr COOK: No problem.

The CHAIR: That was extraordinarily thorough. In some ways I apologise for forcing you to live through some of those moments, but your candour and your extraordinary ability to answer those questions as you have has been really helpful.

Some of the documents that you have mentioned through the proceedings—I think you also mentioned 3000 pages, and we will probably give that a miss, but some of the documents that you specifically mentioned during this hearing—I am wondering if you would be willing to share with the committee.

Mr COOK: Most of the documents I discussed tonight—there were a couple, because a couple of the questions were not what I expected—these can be tabled and left with you, whatever. If anybody has any questions, wants to see any video footage, remember we have an enormous amount of video footage. We can make clips of particular bits or you can see it whole, whatever you would like.

Ms LOVELL: It might be interesting to see a few clips of the pertinent—

Mr COOK: Yes, we can do that.

Ms CROZIER: Or any photographs.

Ms SHING: It might be the brief of evidence. I think you referred to a brief of evidence that was given to VicPol. Was that the 3000-page document or the summary one?

Mr COOK: Just to give you an idea, that is 16 lever arch folders.

Ms SHING: All right. Well, I think that is a bit longer than I thought. I will take that back.

The CHAIR: We are reporting by 30 July.

Ms SHING: Yes. I get that. I am not pursuing that now.

Mr COOK: What I think might be very valid, and Paul has got it here, and it may not be for tonight but at some stage, is that I think it would be important if you take Cr Peter Brown, who came and saw us. I wrote to all the councillors at Dandenong and I explained. In the body camera footage it has been edited. Now, under the *Crimes Act*, under the *Evidence Act*, that cannot happen. Right? These people have broken the law in doing that. I said I wanted that. Because I was charged under that, I am entitled to get it. They will not give it to me.

Ms CROZIER: Why not? What was the reason?

Mr COOK: Oh, there were all sorts of FOI reasons. The classic reason is that it is going to show personal information. What? About an investigating official? Personal information is if I tell your address or your phone number or something. Anyway, that is what they have relied on. So what I did was I wrote to every councillor in the city of Dandenong to just remind them that they were actually aiding and abetting. They were becoming part of a crime. Peter Brown put his hand up and came and saw us and said, 'Yes. You're right'. Peter Brown has a law degree, has taught law all his life. He is a current member of the Labor Party and he is an honest and straightforward man. He said, 'Put politics to one side, I'm interested in the truth here'. So what we did was we sat him down and we showed him what Garlick did. Just two or three things, straight up, and we showed him what she wrote to the Magistrates Court. Paul will tell you, straight up—and I did not know this, Paul—I thought, 'Okay, she's written that'. Paul tells me, as he did straight away, this is premeditated perjury. He said, 'This is extraordinary'.

Ms CROZIER: Who said that, Mr Cook?

Mr COOK: Peter Brown.

Ms CROZIER: Peter Brown. So that was premeditated perjury.

Mr COOK: Yes.

The CHAIR: Thank you. I suspect we could go all night talking about this.

Mr COOK: We could show you some of those things is what I am saying.

The CHAIR: I appreciate that. I think it is also worth noting, particularly for those here but also those watching the broadcast, that a number of people have been mentioned throughout this and many of them will be appearing next week. So there will be more to hear at next week's hearing, and that will include from a number of the people who have been mentioned this evening.

Ms SHING: Just by way of a housekeeping matter, there are freedom of information emails and documentation that was referred to in answer to some of Ms Crozier's questions and then any other summaries or snapshots that I think Ms Lovell had referred to.

The CHAIR: I think Mr Cook himself actually referred to a number of documents.

Ms SHING: Yes. But if that could be provided before the next hearing, that would be helpful.

The CHAIR: I believe that we may have it this evening, Ms Shing.

Mr COOK: Yes, most of that is here.

Ms SHING: Well, that is before the next hearing. That makes me very happy. Thank you very much.

The CHAIR: Here we go. How is that for prompt?

Ms SHING: That is very prompt indeed.

The CHAIR: I am very pleased.

Ms SHING: Yes. Good.

The CHAIR: Mr Brady and Mr Cook, thank you again so much for your time this evening. As I mentioned at the beginning of this hearing, you will receive a transcript of this evening. It will take a couple of days to get to you, but please have a look at it. If you think in any way that we have misunderstood or misrepresented you, please let us know.

Witnesses withdrew.