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Southern Metro Region  
(name) Police Station  
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**Briefing Note**

To: SD3 Command & SGDCIU Management  
From: Detective Sergeant Ash PENRY  
Date: 22-June-2020  
Subject: Alleged corruption by Greater Dandenong Council & DHHS  
File No: SGDCIU-COSNET-2020

**Issue**

It is alleged that the City of Greater Dandenong Council and DHHS have intentionally and maliciously used their position to shut down a competitor business for financial gain.

**Background**

**PERSONS INVOLVED:**

**Complainant:** ICook Foods 2/12 Zenith Road, Dandenong South.  
Ian William Cook [REDACTED]

**Persons Of Interest:** Elizabeth GARLICK (Environmental Health Officer City of Greater Dandenong)  
Leanne JOHNSON (Co-Ordinator For Public Health City of Greater Dandenong)  
Gregory SPICER (City of Greater Dandenong Enforcement Manager)  
John BENNIE (CEO Grater Dandenong Council)  
Paul GOLDSMITH (Manager DHHS)  
Brett SUTTON (DHHS Chief Health Officer)

**Allegations:** Corruption, abuse of public office, conspiracy, attempt to pervert the course of justice and malicious prosecution.

**NOTE:**

*A 14 volume brief of evidence has been prepared by retired Detective Senior Sergeant Paul BRADY 23421. D/SGT PENRY was provided with this Brief Of Evidence on 25-May-2020.*

ICook Foods is a family run business which has operated for over 30 years. The business manufactures prepared/processed meals. The business held several large contracts with hospitals, nursing homes and meals on wheels type operations feeding the elderly and vulnerable members of the community.

In the 30 year period prior to the closure of ICook Foods was subjected to regular auditing by the City Of Greater Dandenong in respect to compliance with the Health Act. On each and every occasion iCook Foods passed this audit process.

The City of Greater Dandenong is a major shareholder in the company Community Chef. Community Chef operate as a direct competitor to iCook Foods and regularly compete for tenders. The CEO of the City of Greater Dandenong Council John BENNIE sits on the board of Directors for Community Chef. Community Chef have a meal preparation and distribution centre operating in Keysborough. This centre is audited by Health Officers by the City of Greater Dandenong, an identified direct conflict of interest.

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Between 2016-2019, Community Chef had continuously lost contracts, was operating at a loss and had regularly lost tenders to iCook Foods.

**TIMELINE OF EVENTS LEADING TO CLOSURE OF cook FOODS:****31-JAN-2019:**

An elderly Female is admitted to Knox Private Hospital with a heart complaint. Blood samples taken identified the female had *Listeria Monocytogenes* detected in her system (Listeriosis Food Poisoning). The elderly female had eaten a sandwich in her nursing home prior to falling ill. This sandwich was prepared and provided by iCook Foods. Leanne JOHNSON (CGD) directed Kym ROGERSON (Environmental Health Officer (EHO)) to attend iCook Foods and take samples of sandwiches and cold meats from iCook Foods.

**1-FEB-2019:**

EHO ROGERSON attends iCook foods and takes 11x swabs throughout the factory, 25x various food samples of sandwiches and individual samples of items to be put into sandwiches ie; - lettuce, carrot, cold meats, margarine. These samples were conveyed for testing at the Melbourne Diagnostic Unit.

In the days post these samples being taken EHO ROGERSON has provided a statement detailing the CEO John BENNIE and Council Enforcement Officer Manager Greg SPICER discussing this as an opportunity to 'Nail The Bastards' in reference to iCook Foods, and discussed career progression opportunities for EHO's if they are able to bring in 'The Big Fines' against iCook Foods.

**18-FEB-2019:**

EHO GARLICK attends iCook foods to conduct a 'random' inspection. GARLICK conducts the inspection by herself and is not wearing a body worn camera (BWC). This is unusual, and not in-line with Council standard operating procedures.

EHO GARLICK conducts a walkthrough the premises and is accompanied by Michael Cook. GARLICK is observed to have several tissues located within a pocket of her top by employee Leisha HODGES. GARLICK takes 162 photographs and made notes of her observations. It is alleged that GARLICK removed a slug from her top and planted it near the fire escape door. The slug had a piece of tissue located next to it. GARLICK at no time reads or reviews the food safety plan or associated documents.

EHO GARLICK at the time of this inspection was unaware of CCTV operating within the facility.

As a result of this inspection conducted by EHO GARLICK 20 charges were issued against iCook Foods. These charges were refuted, not made out and lacked the supporting evidence to justify the charge. CCTV footage is in direct contrast to GARLICK's notes and not consistent with charges issued.

**19-FEB-2019:**

The test results are received from the laboratory for the samples taken by ROGERSON. They are received by Paul GOLDSMITH (Manager DHHS). The results of these tests exonerated iCook foods from having listeria within their facility. Positive results were for listeria were found to be in the small goods used by iCook foods. The smallgoods are brought in externally to the company. The test results document received by GOLDSMITH is altered and forwarded to iCOOK foods only showing the 5x results positive for Lysteria. The other 20 results where no listeria was found was withheld.

EHO GARLICK re-attends iCook with EHO Gareth LITTLEHALES. On this occasion she is wearing a BWC. GARLICK serves a section 19 notice on iCook Foods.

Section 19W Notice is a notice served on a company ensuring they undertake immediate works ie;- cleaning, chemical fogging by a set date. The notice was issued unlawfully as per the procedures of the Food Act. GARLICK has issued her own notice based of her own report when it should have been a supervisor under the act. This order acts very similar to a vehicle defect notice. The defects are outlined and you are given a date to rectify these defects.

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3 of 4

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**20-FEB-2019:**

iCook Foods arrange a forensic clean and chlorine fogging of the premises as per the S.19 order. EHO GARLICK or EHO JOHNSON are required to supervise the clean directed. Neither did so, failing their lawful obligations under the Act.

**21-FEB-2019:**

A closure order was issued by the Chief Health Officer Brett SUTTON on the 20<sup>th</sup> of February 2019. The orders were served officially closing iCook Foods at 12.10PM on 21-FEB-2020 and ordering the destruction of \$700,000 in food. Under the act (Section 19 (9)) SUTTON had no authority or power to issue the closure order or destruction of food. This closure order was done so, even with full compliance with the Section 19 order.

**MARCH 2019:**

The full forensic report and the information within that indicated iCook foods had no traces of listeria within their facility was withheld by GOLDSMITH. The undoctored version was not released to iCook Foods for several weeks until all contracts held by iCook Foods entered a 'Show Cause' phase. Various media releases to the community and contract holders indicated that iCook Foods had listeria within their facility and resulted in the 'poisoning' of an elderly female made their contracts untenable. A number of these contracts were then bid for and won by the Greater Dandenong Council run 'Community Chef'.

On the 22-May-2020, 48 charges were issued against iCook Foods as a result of the inspections undertaken by EHO GARLICK & JOHNSON on 18,19 & 21-Feb-2019. The successful prosecution of iCOOK foods would have resulted in fines in excess of 5 million dollars.

At the first available mention, all charges were withdrawn against iCook Foods by the Greater Dandenong Council. The Council indicated that the cost of running contested hearings would outweigh the value of prosecuting iCook Foods.

**DECEMBER 2019:**

In December 2019, a meeting was arranged by Ian Cook and Paul BRADY with Detective Senior Sergeant HAWKER and Detective Sergeant PENRY of the Greater Dandenong CIU. The meeting detailed the very basic allegations being made by iCook Foods with further particulars and evidence being gathered by BRADY for the purposes of the civil lawsuit and criminal investigation. I was assigned the point of contact with iCook Foods.

**JAN - MAY 2020**

Between this period Detective Sergeant PENRY met with iCook Foods every 6-8 weeks to discuss the enquiries that had been made. These discussions were held at their facility in Zenith Road, Dandenong South. In January 2020 it became evident to me that a level of corruption, misuse of office and a malicious prosecution was involved in this matter. I made contact with the Independent Board-Based Anti Corruption (IBAC) on several occasions to discuss the matter. I was advised that they were aware of the allegations and it did not meet their criteria. On the 13<sup>th</sup> of January 2020, I facilitated a meeting with the Victorian Ombudsman (Christine JONG – Investigation Officer). They were made aware of the allegations and provided with a brief synopsis of the investigation. No further action was ever taken by the Ombudsman or IBAC.

On the 24<sup>th</sup> of May 2020, I was provided with a 14 volume brief of evidence containing numerous witness statements, CCTV, Body Worn Camera footage, redacted emails, notes and transcripts.

An interpose operation has been created SGDCIU-COSNET-2020 refers. No shell had been created prior to, due to waiting for an assessment of the evidence to support the allegations occurring and identifying who is the most suitable work body to investigate this matter given the allegations relate to public office and a SGDCIU key stakeholder.

**Comment**

Having reviewed the documents provided, CCTV footage and undertaking some research in relation to the Food Act it is apparent that the prosecution of iCook Foods was malicious, in particular the inspections and resulting charges from audits undertaken by EHO GARLICK and EHO JOHNSON. The statement provided by former employee ROGERSON depicts a workplace intent on destroying iCook Foods.

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The processes undertaken in respect to the service of the Section 19 and closure notices were unlawful, which also resulted in the unlawful destruction of \$700000 in food.

The withholding of laboratory results by GOLDSMITH until contracts held by iCOOK foods became null and void shows a direct nexus between the collaboration of DHHS and Dandenong Council.

It is my respectful opinion that further investigation and interrogation of the evidence is required to be undertaken to identify the level of corruption (if any) between in respect to this matter.

It is also important to note, and the position I have held since December 2019, that Greater Dandenong CIU do not have the resources or expertise to investigate this matter. It is also apparent that Greater Dandenong CIU is also conflicted, as the Greater Dandenong Council is a key stakeholder.

iCook Foods currently have a 26 million dollar lawsuit against the City of Greater Dandenong which is currently before the Courts. They stand to gain nothing (and potentially delay their civil suit) from a criminal investigation, however believe further investigations are required.

**Recommendation**

It is respectfully recommended that this matter continue to be investigated to identify any alleged corruption or misuse of office. It is also further recommended that discussions occur at command level to identify the most suitable work group to further advance this matter.

I am on Leave until 6-July-2020 but happy to discuss the matter on [REDACTED]

Name: Ash PENRY  
Rank: D/Sgt [REDACTED]

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