

22 July 2021

Notice of Motion 121

‘Setting the Record Straight’ – Food Safety Investigation

I propose to move the following motion at the Council meeting on 26 July 2021:

That Council endorses and reaffirms the public statement titled ‘Setting the Record Straight’ issued on Thursday 15 July 2021 (see Attachment 1) in response to media allegations that Knox Council suppressed evidence in a serious food safety matter, which clearly refutes such allegations and clarifies the legal framework within which Council could not disclose information obtained under the Food Act 1984 as part of Freedom of Information requests, while making it clear that Council has released such information in response to a subpoena, which is not subject to the same legal limitations.

Cr Darren Pearce
Taylor Ward

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Setting the record straight

Thursday, 15 July 2021

Recent media reports have alleged that Knox City Council suppressed evidence in a serious food safety matter. The allegation relates to the redaction of certain documents sought through a Freedom of Information (FOI) request in relation to iCook Foods.

Knox City Council's only role in investigating the death of a patient at Knox Private Hospital in February 2019 was to assess the compliance of food handling practices at the hospital. The report was prepared based on powers granted under the Food Act 1984, which specifically prohibits the disclosure of information obtained by an authorised officer in the administration of the Act. This supersedes the Freedom of Information Act.

Whilst this limits what Council could release under a public FOI request, no such limit applies to the Courts. The same information was requested by subpoena and was provided in full to the Court. Documents provided to the Court are made available to lawyers for both parties.

Knox City Council acknowledges the traditional custodians of the City of Knox, the Wurundjeri and Bunurong people of the Kulin Nation.