



Wednesday, 13 August 2025

Court dishes out \$62,500 penalty for trader's food safety breaches

Repeated food handling breaches by former St Kilda trader Lux Kebabs have resulted in fines and legal costs totalling \$62,524 being ordered at the Melbourne Magistrates' Court.

Port Phillip Council prosecuted M L Associates Pty Ltd, trading as Lux Kebabs at 25 Fitzroy St, and its director Abdul Mohammed, in relation to repeated and aggravated offending relating largely to cleanliness and pest control. M L Associates Pty Ltd and Mr Mohammed each pleaded guilty to 18 consolidated charges under the *Food Act* 1984 (Vic) (**Food Act**).

The charges related to offences observed by Council's Environment Health Officers during 12 inspections between 21 November 2023 and 10 May 2025.

These offences included multiple ongoing failures to comply with the Australian and New Standard Food Standards Code, in relation to poor cleanliness, poor maintenance and provision of equipment, a severe and ongoing pest infestation (mice), poor food handling and hygiene practices, as well as failing to comply with Council's orders.

In April 2024, Port Phillip Council issued a \$1,923 fine which went unpaid. Council then chose to launch legal action to address ongoing non-compliances. Despite charges being issued in December 2024, further offending continued to occur.

Counsel for the proprietor submitted that Mr Mohammed was remorseful and had poor financial circumstances.

Magistrate Michelle Mykytowycz, noted a cycle of the business improving at times, only to fall back into a state of non-compliance.

In her sentencing, Magistrate Mykytowycz reiterated that the primary goal of the regulatory system is to protect the health and safety of consumers. She emphasised the systemic failure by the proprietor over an 18-month period to bring the premises into compliance, despite the efforts of Council officers and even despite the charges being issued, describing the efforts to remedy the non-compliance as superficial.

After finding all charges proven, she ordered a penalty of a \$26,000 fine with conviction and \$20,524 sum towards Council's legal costs against M L Associates Pty Ltd. Mr Mohammed was separately ordered a penalty of a \$10,000 fine with conviction and \$6,000 towards Council's legal costs. This resulted in total fines and costs of \$62,524.

Port Phillip Council Mayor Louise Crawford said the decision to prosecute was not taken lightly.

"We value our City's reputation of being home to fantastic traders and dining opportunities," Cr Crawford said. "Our preference is always to educate traders and their staff on necessary rules. It's important we take action on the rare occasion someone repeatedly flouts food safety requirements as this potentially risks both public safety and the well-deserved reputations of businesses doing the right thing."

Mr Mohammed advised the Court a decision had been made to not renew the premises' lease when it expired this month. Recent Council inspections have confirmed that the business Lux Kebabs is no longer trading.