

# Victoria's Food Act

## Private drinking water carters

### Approval to operate in Victoria

**Are you are a private business that delivers water for sale to the public which is intended for:**

- **human consumption, or**
- **purposes connected with human consumption (such as preparation of food, making ice for consumption, or preserving unpackaged food)?**

### You need to know ...

From 1 July 2011, a state-wide registration scheme covering water carters applies under changes made to the *Food Act 1984*. The changes mean you must:

- register your water transport vehicle with the council in whose district your vehicle is garaged – this is your “principal council”;
- once registered, submit Food Act statements of trade, and
- once registered, keep records about which water corporations you purchase your drinking water from.

### Three easy steps

**Step 1: Register under the Food Act.**

**Step 2: Contact your principal council** – that is the council in whose district your water transport vehicle is garaged. This council can give you a copy of the registration form that you will need to complete. They can also answer any questions about what you need to do, and assist you to complete the registration form.

**Step 3: You must lodge your registration form** with your principal council by **1 October 2011 at the latest**, to ensure that you meet your obligations under the Food Act.

A single registration granted by your principal council will allow you to trade anywhere in Victoria for 12 months. It will need to be renewed annually.

Your principal council will consider the information in your application. It will advise you when you are registered, or if there are any further steps that you must take to obtain registration.

The aim is for all private water transport vehicles selling water that is intended for human consumption in Victoria to be registered by 31 December 2011.

Once your registration is granted by the principal council, you must lodge Food Act statements of trade with your principal council and each council in whose district you will be operating.

This short document tells councils whether you will be delivering water for sale to the public in the council district in the next 12 months.

### Why must I register with council?

The main purpose of the Food Act is to protect people from food borne illness by controlling the **sale** of food in Victoria.

Under the Act, “food” includes water that is sold for human consumption or is used in the preparation of food.

A significant number of Victorians in rural communities are not connected to a reticulated water supply and rely on water tanks for their drinking water.

From time to time concerns about the safety and quality of water delivered by water carters are raised. These concerns include whether the water has been contaminated, and whether it has been collected from an appropriate source.

The changes bring water transport businesses into line with businesses conducting food or beverage handling activities which carry similar risks to human health.

## Access to safe water supply

The Food Act has, for a long time, required water carters to ensure that the water that they deliver that is sold for human consumption is safe to drink. The new state-wide registration system provides a way for this to be enforced through local government.

This, together with the requirements in the *Safe Drinking Water Act 2003* that apply to water corporations, is intended to ensure that all through the “supply chain” there are steps in place to give all Victorians access to a safe water supply.<sup>1</sup>

## One registration, one council

Regardless of how many council districts you operate in, your single registration will apply throughout the State. This means your water transport business can operate anywhere in Victoria during your 12 month registration period.

Regardless of where your water transport vehicle mostly operates, apply to the council in which it is garaged. This is your principal council.

If you operate more than one vehicle, apply to the council where the majority of your vehicles are garaged. Include all vehicles in the same registration application.

Council will process registrations involving multiple vehicles as one application and issue one registration certificate.

You will need to pay one annual registration fee which is set by your principal council.

## Statements of trade

At least five days before operating in any locality, you must also lodge a Food Act statement of trade (SOT) with your principal council as well as each council in whose districts you will be trading. This is to tell councils *where* and *when* you will be operating in their localities in the next 12 months. Your SOTs do not need to be approved by council.

As water carters may be called at short notice by customers who need water urgently, you may wish to complete a SOT for all council districts in which

you anticipate delivering water in the 12 month period.

All districts can be listed on the same form. You do not need to complete separate forms for different councils. But you must send a copy to all councils listed.

The statement of trade must include:

- the vehicle registration number, and
- your contact details.

## When do you have to start lodging statements of trade?

You should commence lodging SOTs **after** your principal council issues your registration certificate. This “phase in” process will ensure that you can complete the SOT form correctly.<sup>2</sup>

Please note that once registered, you risk a fine if you fail to lodge a statement of trade at least five days before operating in a council district.

When you are registered, council can give you a copy of the Food Act statement of trade form for water carters, or you can download it from [www.health.vic.gov.au/foodsafety](http://www.health.vic.gov.au/foodsafety).

## What records must I keep?

Once your water transport vehicle is registered, you will be required under the Food Act to keep records relating to:

- the name of the water corporation from which you purchase water to be sold for human consumption;
- the address and telephone number of this water corporation; and
- dockets or invoices received from this water corporation.

This is to ensure that councils can clarify where you obtain the water you sell to the public for human consumption.

These records must be kept for 12 months.

Your principal council can advise you further about this when you apply for registration.

<sup>1</sup> Advice is also available to the public on how to keep water stored in private rainwater tanks safe. To ensure that delivered water can remain safe to drink see [www.health.vic.gov.au/foodsafety/bus/resources.htm](http://www.health.vic.gov.au/foodsafety/bus/resources.htm).

<sup>2</sup> You can also inform the principal council that you will be trading in its district in the registration application form. If you want the option of operating in their districts as well, other councils will still need to be informed through the SOT form after you are registered.

## Online will save time

In future, you will be able to register, renew your registration, and lodge your statements of trade online. Your council will advise you when this is the case.

## Guidelines on safe potable water

For practical advice on keeping potable water safe, download *Guidelines for drinking (potable) water transport in Victoria* at

[www.health.vic.gov.au/foodsafety/downloads/water\\_transport\\_guidelines02.pdf](http://www.health.vic.gov.au/foodsafety/downloads/water_transport_guidelines02.pdf), or contact your council for a copy.

When assessing your application for registration, council may ask questions so that it can be satisfied that the water you deliver for sale to the public for human consumption is safe to drink or use in food preparation. Compliance with these guidelines is one way to demonstrate that this is the case.

The guidelines contain advice about ways to meet your general obligations under the Food Act to ensure that your equipment is clean, and that the potable water in your vehicle does not become contaminated.

## What happens if a business does not become registered?

Businesses have until 1 October 2011 to apply for registration.

Any water transport vehicles delivering water for sale to the public intended for human consumption which –

- are not registered by their principal council by 31 December 2011; or
- which continue to operate *after* they have been advised by that council that their registration is refused because their vehicles do not comply with the Food Act –

will be operating unlawfully. Councils will be able to take action under the Food Act in such cases, which may include a warning, issuing an infringement notice or, in serious cases, commencing a prosecution.

## What class is my water transport vehicle?

The Food Act groups the different places or vehicles from which food is sold into separate “classes” and sets out different food safety requirements for each class based on its food safety risks. There are four classes – from highest risk (class 1) to lowest risk (class 4).

To ensure that the water you deliver and sell is safe, it is important that the water is collected from an outlet managed by a recognised water corporation. For a list of Victoria's water corporations go to [www.health.vic.gov.au/environment/water/d-watercomp.htm](http://www.health.vic.gov.au/environment/water/d-watercomp.htm).

Water transport vehicles collecting water from these outlets or equivalent outlets in other states fall into class 3.

## Water transport vehicles – Food Act definition

Under the Food Act, a water transport vehicle is a vehicle used by a private water carter:

- (a) from which water is sold or handled with the intention that it be sold; and
- (b) that is used to transport water that is intended for:
  - human consumption; or
  - purposes connected with human consumption (such as the preparation of food or the making of ice for consumption or for the preservation of unpackaged food) –  
(whether or not the water is used for other purposes once it is delivered).

## For more help contact...

### Local council health units

Your council environmental health officer is your best source of advice. Call your principal council to register your business.

Check the Yellow Pages for council contact details or go to [www.dpcd.vic.gov.au/localgovernment/find-your-local-council](http://www.dpcd.vic.gov.au/localgovernment/find-your-local-council).

### Department of Health

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