This is a declaration by a waste producer and waste receiver for [lawful receipt](file:///C%3A%5CUsers%5CPete%5CDownloads%5Clawful%20receipt) (epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/lawful-place) of a specific industrial waste. The waste producer completes this form and both producer and receiver must sign it. You cannot use this form if your waste is a [reportable priority waste (transport)](https://www.epa.vic.gov.au/about-epa/publications/1967-1) (publication 1967) (epa.vic.gov.au/about-epa/publications/1967) or the activity is a [permissioned activity](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/permissions/check-if-you-need-a-permission) (epa.vic.gov.au/determinations). Please refer to explanatory notes from page 4.

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| --- |
| Part A – Applicability to make a DoU |
| 1. | Is your waste a [reportable priority waste that requires a transport permission](https://www.epa.vic.gov.au/about-epa/publications/1967-1)? | Yes [ ]   | **You cannot use a DoU.** [How to establish lawful place.](https://www.vff.org.au/2018/stock-sense/why-request-a-commodity-vendor-declaration) | No [ ]  | Go to step 2 |
| 2. | Is your receiving activity [a permissioned activity](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/permissions/check-if-you-need-a-permission)? | Yes [ ]   | No [ ]  | Go to step 3 |
| 3. | Does your waste and activity meet the specifications of a  [determination](https://epa.vic.gov.au/about-epa/laws/legislation-regulations-and-policies/determinations)? | Yes [ ]   | You don’t need a DoU. | No [ ]  | Go to step 4 |
| 4 | What is the intended use of the waste? | [ ]  immediate use for: | [ ]  resource recovery  | Provide details, including any limitations of use |
| [ ]  use as a substitute for an input or raw material in a commercial, industrial, trade or laboratory activity, other than soil |
| [ ]  application to land for: | [ ]  commercial garden and landscaping organics that does not contain any physical or chemical contamination |
| [ ]  untreated timber, including sawdust |
| [ ]  natural organic fibrous waste |
| [ ]  other | **You cannot use a DoU** |
| 5. | Have you completed a [Commodity Vendor Declaration](https://www.vff.org.au/2018/stock-sense/why-request-a-commodity-vendor-declaration/) for the waste and activity? | Yes [ ]   | Complete Part C, and Parts E - H of this form only. |
| No [ ]   | Complete all parts of this form |

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| Part B – Producer details |
| Business name |  | ABN |  |
| Contact name |  | Business address |  |
| Telephone |  | Email |  |

|  |
| --- |
| Part C – Receiver details |
| Business name |  | ABN |  |
| Contact name |  | Business address |  |
| Telephone |  | Email |  |

|  |
| --- |
| Part D – Waste details |
| Waste description |  | Waste code |  |
| Detailed description | e.g. materials, main components, traces, contaminants |
| Producing address | Address where waste was generated/produced |
| Receiving address | Address where waste will be received/deposited |

|  |
| --- |
| Part E – Consignment details (i.e. movement and volume of the waste) |
| Consignment period? | [ ]  One-off consignment | [ ]  From dd/mm/yyyy to dd/mm/yyyy <up to a maximum of 12 months |
| Volume, when known? | Estimated amount  | Units | Choose an item. | [ ]  Per load [ ]  Total |

|  |  |  |
| --- | --- | --- |
| Part F: Potential risks of harm |  | Where relevant, please include details in attachment e.g. safety data sheet |
| Any risks to human health from using the waste? | Yes [ ]  No [ ]  |       |
| Any risks to the environment from using the waste? | Yes [ ]  No [ ]  |       |

|  |  |  |
| --- | --- | --- |
| Part G: Risk mitigation |  | Details |
| Are there any control measures required for addressing any risks of harm? | Yes [ ]  No [ ]  |       |
| Are there any supporting documents for managing any risks of harm? | Yes [ ]  No [ ]  |       |

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| Part H: Signed declarationThe DoU is not valid until both the waste producer and receiver have signed the form |
| Waste producer | Waste receiver |
| I [insert name] declare that… | I [insert name] declare that… |
| * I am the person in management or control of the industrial waste.
* All information related to the risks of harm to human health and the environment from the industrial waste and how to minimise those risks, so far as reasonably practicable, has been provided.
* The waste is not reportable priority waste (transport).
* The receipt of the waste at the place or premises is not a permissioned activity.
 | * I am the person in management or control of the place or premises at which the industrial waste is to be received.
* The place or premises at which the waste is to be received is suitable to use the waste, as specified in this form.
* The waste is not reportable priority waste (transport).
* The receipt of the waste at the place or premises is not a permissioned activity.
 |
| Signed  | Signed  |
| Date | Date |

# Explanatory notes

## What a Declaration of Use is

A [Declaration of Use](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/declaration-of-use#:~:text=Declaration%20of%20use%20(DoU)%20is,wastes%2C%20which%20needs%20a%20permission.) (epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/declaration-of-use) (DoU) is a tool to allow a producer to lawfully transfer or sell on specific types of industrial waste to a receiver, in accordance with the *Environment Protection Act 2017* (the Act) andregulation 64(4) of theEnvironment Protection Regulations 2021 (the Regulations)*.* It supports the safe use, storage and recovery of materials from low-risk waste.

## How to make a DoU

There are two options for making a DoU:

1. Complete this form.
2. Develop your own DoU form that includes all the mandatory manner and form criteria, which is set out on the [DoU webpage](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/declaration-of-use#:~:text=Declaration%20of%20use%20(DoU)%20is,wastes%2C%20which%20needs%20a%20permission.) (epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/declaration-of-use).

## What this form is for

This form is used to make a DoU. It is a self-assessed declaration by a producer and receiver. It requires no tracking, notification, assessment or approval from EPA.

## When to use this form

You must comply with the Act and Regulations, including the [general environmental duty (GED)](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/general-environmental-duty) (epa.vic.gov.au/for-business/new-laws-and-your-business/general-environmental-duty).

All industrial waste must go to a [lawful place](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/lawful-place#:~:text=A%20lawful%20place%20is%20somewhere,go%20to%20a%20lawful%20place.) (epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/lawful-place). One pathway to [establish lawful place](https://www.epa.vic.gov.au/about-epa/publications/1946-1) (epa.vic.gov.au/about-epa/publications/1946-1) is by making a DoU. You can use this form in specific scenarios, for (regulation 64(1)):

* immediate use of:
	+ waste for resource recovery
	+ waste other than soil to substitute for raw material; a commercial, industrial, trade or laboratory activity.
* application to land for:
	+ commercial garden and landscaping organics that do not contain any physical or chemical contamination
	+ untreated timber, including sawdust
	+ natural organic fibrous waste.

## When not to use this form

You MUST NOT complete this form if your receiving activity is a [permissioned activity](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/permissions) (epa.vic.gov.au/for-business/new-laws-and-your-business/permissions). You must instead apply for the appropriate permission. You also MUST NOT complete this form if the waste is a [reportable priority waste](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/reportable-priority-waste) (epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/reportable-priority-waste) that requires a transport permission.

If a [determination](https://epa.vic.gov.au/about-epa/laws/legislation-regulations-and-policies/determinations) (epa.vic.gov.au/determinations) applies, then a DoU is not required. A DoU may be used where a determination is not applicable if the intention of use is within the confines listed in regulation 64(1).

## Who needs to fill in this form

You should only complete this form if you are the person in the management or control of the waste (i.e. a producer or [accredited consigner](https://www.epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/accredited-consigners) (epa.vic.gov.au/for-business/new-laws-and-your-business/manage-waste/accredited-consigners). Ensure that you answer all questions accurately and that you understand all elements of the declaration and these explanatory notes.

## Who needs to sign this form

The producer (or accredited consigner) and the receiver must sign this form.

## Record keeping requirements

Both the producer and receiver must retain a copy of the completed and signed form for 2 years from the date on which it was made. Penalties apply for non-compliance.

## When circumstances change

If after signing the form you become aware of any change in circumstance that makes the DoU inaccurate, then you must as soon as practicable notify the other signed party of the change. You will need to complete a new DoU form. Penalties apply for non-compliance.

If EPA provides written notice

EPA may cancel a DoU or impose conditions on it by providing written notice to each person who made the declaration. A DoU has no effect from the time EPA provides written notice of the cancellation in accordance with regulation 64(9).

Part A - Applicability to make a DoU

Follow the checklist to determine if you are able to use a DoU for your circumstance. If you tick ‘Yes’ for questions 1-3, or ‘other’ for question 4 than you cannot use this form. Please refer to [How to establish lawful place](https://www.epa.vic.gov.au/about-epa/publications/1946-1) (publication 1946.1) (epa.vic.gov.au/about-epa/publications/1946-1) for options on meeting your lawful place requirements.

Tick what the intended use of the waste material is, as per the regulation 64(1). If your intended use is not listed, you cannot use this form. Please refer to [How to establish lawful place](file:///C%3A%5CUsers%5Cocuanae%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CINetCache%5CContent.Outlook%5C0WEDXK6L%5CHow%20to%20establish%20lawful%20place) (publication 1946.1) (epa.vic.gov.au/about-epa/publications/1946-1) for options on how to establish lawful place. Provide further information on the details of the use. For example, untreated timber being processed into bark chips. Where relevant, explain what the waste material cannot be used for.

If you have a [Commodity Vendor Declaration](https://www.vff.org.au/2018/stock-sense/why-request-a-commodity-vendor-declaration/) (vff.org.au/2018/stock-sense/why-request-a-commodity-vendor-declaration) for your waste and activity then you only need to complete Part C,
and Parts E - H of this form.

## Part B – Producer details

Provide the producer’s business name, ABN, contact details and address.

## Part C – Receiver details

Provide the receiver’s business name, ABN, contact details and address (if different to receiving location).

## Part D – Waste details

Provide the Waste Description and Waste Code as per [Waste code transition to Environment Protection Regulations 2021](https://www.epa.vic.gov.au/about-epa/publications/1967-2) (publication 1967.2) (epa.vic.gov.au/about-epa/publications/1967-2). Provide the addresses of where the waste is being produced and received.

Provide a detailed description of the waste, which includes information on (where relevant):

* waste type (e.g. sawdust, grass, leaves, coffee grounds etc.)
* physical form (i.e. liquid, solid, sludge or powder etc.) and appearance (e.g. colour, viscosity etc.)
* any odour characteristics
* solubility and chemical stability
* mobility
* burning characteristics.

## Part E – Consignment details

Specify whether the consignment of the waste is a one-off consignment or over a period of time. Specify the estimated amount of waste being consigned. If it is for a period of time, specify the date range. The maximum consignment period is 12 months. After 12 months, you will need to review and sign a new form.

## Part F: Risks of harm

List any risks of harm to human health and the environment associated with the use of the waste material. Refer to [Assessing and controlling risk: A guide for business](https://www.epa.vic.gov.au/about-epa/publications/1695-1) (publication 1695.1) (epa.vic.gov.au/about-epa/publications/1695-1) for guidance on identifying and
assessing risks.

## Part G: Risk mitigation

Tick where appropriate, any control measures for mitigating the risks of harm. Refer to [Assessing and controlling risk: A guide for business](https://www.epa.vic.gov.au/about-epa/publications/1695-1) (publication 1695.1) (epa.vic.gov.au/about-epa/publications/1695-1) for guidance on implementing control measures. Also tick and provide details on any supporting documentation.

## Part H: Signed Declaration

Both the waste producer (or accredited consigner) and the waste receiver must sign this form. Signing this declaration has legal significance. Penalties apply for non-compliance and the other signed party may seek damages if information is incorrect. Before signing you must be absolutely satisfied you understand all elements of the document and these explanatory notes.

EPA acknowledges Aboriginal people as the first peoples and Traditional custodians of the land and water on which we live, work and depend.
We pay respect to Aboriginal Elders, past and present.

As Victoria's environmental regulator, we pay respect to how Country has been protected and cared for by Aboriginal people over many tens of thousands of years.

We acknowledge the unique spiritual and cultural significance of land, water and all that is in the environment to Traditional Owners, and recognise their continuing connection to, and aspirations for Country.

