

**Controlled Substances Licence**

# **Guide for Applicants**

**for Vertebrate Toxic Agents and Fumigants**

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ENVIRONMENTAL RISK MANAGEMENT AUTHORITY  
NGĀ KAIWHAKATŪPATO WHAKARARU TAIAO



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## About this Guide

**Before you start the application process** it is recommended that you look at “Steps to Apply for a Licence” in this Guide to help you plan to get your Controlled Substances Licence (CSL) in good time. The process can take a number of weeks.

These notes provide guidance for Applicants for the application process for a CSL relating to Vertebrate Toxic Agents and Fumigants.

The Guide and the related form (ER-AF-CSL-03-2 07/09) are used for both the initial application and for the renewal of a CSL for Vertebrate Toxic Agents and Fumigants.

The form for replacement or extension of an existing licence is ER-AF-CSL-02-3 07/09. Information on use of that form is contained within this Guide.

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# Steps to apply for a Licence

		Where in this Guide
1. Check if you need a Licence and find a Test Certifier		Sections 1, 2, 3
2. Review the Fit and Proper Person Assessment		Section 4f Appendices A, B
2a. If necessary fill in the Consent to Disclose Information form (ER-TF-03-0107/09) and send to your Test Certifier. <b>Allow 8 – 10 weeks for the reply</b> Note: once issued a Police Check is valid for 6 months		See the application form
3. Complete Approved Handler requirements through the Test Certifier		Section 4b
4. Get the Controlled Substances Licence application form (ER-AF-CSL-03-2 07/09) through the ERMA New Zealand Website or your Test Certifier.		See the application form
5. Find a Trusted Referee and talk to them about filling in the referee form (Schedule 1 of the Application form)		Section 4d
6. Gather <ul style="list-style-type: none"> <li>three identity documents (and change of identity documents if needed)</li> <li>supporting material for proof of work</li> <li>recent passport photographs</li> </ul>		Section 4d
7. Discuss the Licence Requirement Details (Part A of the Application Form) with your Test Certifier.		Section 4e
8. Fill in the Application Form and attach: <ul style="list-style-type: none"> <li>the identity documents</li> <li>supporting material for proof of work need</li> <li>recent passport photographs</li> <li>for proof of work need</li> <li>completed Consent to Disclose Information form (or attach original if already done at 2a)</li> </ul>		See the application form
9. Get your Trusted Referee to <ul style="list-style-type: none"> <li>review the form</li> <li>fill in their statement</li> <li>sign one of your photographs</li> </ul> Attach the completed Trusted Referee form to your application.		Section 4d
10. Take or send your completed form and the fee to the Test Certifier.		Section 6
11. The Test Certifier will send your application to ERMA New Zealand, which will issue your Licence.		

## 1. What Substances Need a Licence

A person cannot “possess” Vertebrate Toxic Agents or Fumigants without a Controlled Substances Licence (CSL). ‘Possession’ includes manufacturing, selling, using or storing the substance.

A list of Vertebrate Toxic Agents and Fumigants requiring a CSL is at <http://www.ermanz.govt.nz>.

A person without a CSL can only handle listed Vertebrate Toxic Agents and Fumigants if they are in the eyesight and hearing of a CSL holder.

A CSL is not required for transportation of Vertebrate Toxic Agents or Fumigants from one CSL holder to another (such as by a courier or transport firm), provided the transporter complies with the Land Transport Rules, Maritime Safety Rules and Civil Aviation Rules. However, the substance must be delivered to a CSL holder or locked up securely until the CSL holder can take possession of the substance.

For information on Pindone licencing please talk to your Test Certifier.

## 2. Who can get a Controlled Substances Licence

To apply for a CSL you must:

- be 17 years of age or over; and
- be adequately trained to handle that substance (i.e. have an approved handlers certificate); and
- require the substance for their work; and
- complete a fit and proper person assessment.

In addition you must provide evidence of your identity.

## 3. How to apply for a Controlled Substances Licence

Application for a CSL or renewal of a CSL is made on ER-AF-CSL-03 2 07/09.

The application is made through a Test Certifier who will:

- to talk to you about the fit and proper person assessment and, if necessary, help you to arrange for an assessment to be completed before the full application;
- assist you to identify the appropriate substances and lifecycles you need a CSL for;
- review and verify your identity documentation;
- check you have completed the form and attached everything needed;
- collect the application fees; and
- forward the completed form and fees to ERMA New Zealand.

A list of Test Certifiers is at <http://www.ermanz.govt.nz/find/TestCertifierSearch.aspx>. Tick the VTAs/Fumigants box before beginning your search.

## 4. Completing The Application Form

### a. Filling in the Form

The application form can be printed from the ERMA New Zealand website: <http://www.ermanz.govt.nz/resources/publications/pdfs/Application%20Form%20Explosives.pdf>, or a copy can be obtained from your Test Certifier.

Instructions for filling in the form are in the information panel on page 2 of the form and in the side panels at the left hand of the form.

If you can't fill in the form your Test Certifier will assist you.

### b. Licence Requirement Details (Section A)

#### Licenses required (Part 1)

You must have an approved handler certificate and proof of work for the Vertebrate Toxic Agents or Fumigants you tick.

The 'Transport' lifecycle can only be issued if you have completed an equivalent training course which would enable a "D" endorsement to your drivers licence (or you have a D endorsed licence already).

Pilots undertaking aerial application of certain substances do not require an approved handler certificate if they have a chemical rating certificate. See the Approved Handler Certificate Section below.

#### Approved Handler Certificate (Part 2)

Note that if you are a pilot with a Chemical Rating (under Part 61 of the Civil Aviation Rules), you are deemed to be an approved handler only for the purposes of aerial application of 1080 and DRC 1339 (3-chloro-p-toluidine hydrochloride). The Chemical Rating may be issued as a "Pilots' Agrichemical Rating" by Growsafe. The Agrichemical Rating P Number should be shown part 2 of the form and a copy of the Agrichemical Rating Certificate attached.

Note however that you will need to obtain an approved handler certificate for any other lifecycle/ activity relating to 1080 and DRC 133 (3-chloro-p-toluidine hydrochloride).

For information on Pindone please talk to your Test Certifier.

### c. Applicant Details (Section B)

#### Applicant Name and Address (Parts 3 and 4)

##### *Other names used*

You should ensure that the applicant details you give match with the identity documents you provide (under 4d below). If there is any difference you should explain these differences under this section

If needed, attach documents that explain any differences in identity information. These documents might include official certificates of civil union, marriage, divorce, annulment or change of name by statutory declaration or deed poll. Note that “Common Usage” is where a person has continually used a name for many years and it has been accepted by many agencies as such. For example, a person may use their middle name instead of their first name and has a drivers licence to support this change.

You should list all other names you use as well as this may be needed to match information on ERMA New Zealand databases or with other agencies or persons (such as the employer, trusted referee or Police) who may be consulted by ERMA New Zealand in reviewing the application.

#### **d. Evidence of Identity (Section C)**

##### **Identity Documents (Part 6)**

You need three documents to prove your identity. At least one of the documents must be a photographic identity document..You will need to attach originals and copies of each document.

One (1) of the following primary documents

- New Zealand Firearms Licence
- New Zealand Passport
- Previous CSL
- New Zealand Full Birth Certificate
- New Zealand Citizenship Certificate
- New Zealand Certificate of Identity
- Overseas Passport (with New Zealand Immigration Visa/ Permit)

Two (2) of the following secondary documents

- NZ Drivers Licence
- International Driving Certificate
- Photo ID (Student ID, HANZ 18+ID, Employee ID)
- Community Services Card
- Electoral Roll Confirmation of Enrolment Letter
- IRD Statement
- Utility Account Bill (Power, Gas or Telephone)
- Bank Statement

The Test Certifier must see the original documents unless the copy has been authenticated by the issuing agency. For instance the New Zealand Police can verify a copy of your actual Firearms Licence.

Certified copies from a Justice of the Peace are **not** acceptable.

##### **Photographs (Part 7)**

You must enclose two identical passport photographs that are less than 12 months old. One photograph must be signed by the trusted referee as specified on the Trusted Referee Statement form.

### **Trusted Referee (Part 8)**

Your Trusted Referee:

- should have known you for 12 months or longer;
- be someone “of standing” and trust within the community, that is:
  - Registered lawyer, accountant, teacher or medical professional
  - Kaumatua
  - Minister of Religion
  - Elected Official, including local and central government
  - Senior government official ( e.g. Regional or Area Manager, General Manager or Director)
  - Applicant’s employer
  - Police Officer
  - Firearms Licence holder
  - Justice of the Peace

The Trusted Referee must **not** be under the age of 17, a relative, a partner or spouse or someone that lives with the you.

Your trusted referee must:

- complete in full and sign the Trusted Referee Statement (see schedule 1 of the application form); and
- sign one of the photographs as specified.

### **e. Work Assessment (Section D)**

#### **Introduction**

In order to hold a CSL you must have a **current** and **legitimate** reason for possessing specific Vertebrate Toxic Agents or Fumigants for ‘work’. You must provide supporting material giving proof of work. This should state what explosives you need.

Note however that you do not need a proof of work to possess Pindone.

Some examples of the types of supporting material that are acceptable are:

- A letter from an employer confirming the your position and the requirement to have in your possession Vertebrate Toxic Agents or Fumigants as part of your duties. A letter from a prospective employer stating that you are appointed subject to obtaining a CSL is also acceptable.
- Evidence of a current contract which requires the possession of Vertebrate Toxic Agents or Fumigants. This is usually a copy of the contract;
- For a newly acquired business, supporting documents which show that the relevant business manufactures, sells, stores or uses Vertebrate Toxic Agents or Fumigants.
- Official letters of support from a Government or a recognised community organisation which states the applicant undertakes voluntary work which requires them to possess Vertebrate Toxic Agents or Fumigants; or

- for a farmer undertaking your own pest control, a letter from your local Regional Council, Territorial Authority or Department of Conservation supporting your use of Vertebrate Toxic Agents or Fumigants.

If necessary talk to your Test Certifier about other supporting material that may be used.

## f. **Fit and Proper Person Assessment (Section E)**

The fit and proper person assessment is undertaken by ERMA New Zealand after consideration of:

- the behavioural assessment; and
- advice from the New Zealand Police after completion of a Police Check;

### **Behavioural History (Part 11)**

Review the Flow Chart at Appendix A of this guide, and the back of the Consent to Disclose Information form (ER-TF-01-2 0709) before starting your CSL application. Information in Appendix B of this guide will help you with this.

If there is any reason that you believe you may fail the fit and proper person assessment, it is strongly recommended that you do the Police Check before the full CSL application is made. You should talk to your Test Certifier about this.

### **NZ Police Check (Part 12)**

A Police Check is required for all applicants unless:

- you have a Firearms Licence; and
- the Firearms License has 30 days or more remaining from the date you fill in the CSL application form; and
- you do not have any convictions recorded against you

ERMA New Zealand will verify the Firearms Licence with the New Zealand Police.

To undertake a Police Check you need to fill in and complete and sign the Consent to Disclose Information Form (ER-TF-01-2 0709), which is at the back of the Application form and send to your Test Certifier with the Police Check Fee.

Note if you are an overseas citizen and do not have a New Zealand identity (eg drivers licence etc) the New Zealand Police will not be able to undertake a police check. Talk to your test certifier about additional information you will need to provide.

## **5. Declaration (Section F)**

Fill in, sign, and date the declaration.

## **6. Fees**

You must pay the required fees to your Test Certifier. They need to be paid to ERMA New Zealand by the Test Certifier before ERMA New Zealand starts to process an

application.

Licence Application Fee	\$56.25 including GST ( <i>effective 1 July 2009</i> )
Police Check	\$22.50 including GST (current at 1 July 2009)
Test Certifier Fee	Set by the Test Certifier, to recover administration time and any associated costs to issue a CSL.

## 7. Issuing of a Controlled Substances Licence

The Test Certifier sends your completed application to ERMA New Zealand. ERMA New Zealand decides on your application.

If ERMA New Zealand consider that you are not “fit and proper” you will be notified and given the opportunity to respond before a final decision is made.

If it is decided that you can have a CSL this will be issued to you directly by ERMA New Zealand. It will be posted to your residential address.

## 8. Appeals Process

You are able to appeal to the District Court any decision to:

- decline your application
- place specific terms and conditions on your CSL
- revoke your CSL.

The appeal process is provided for under the Hazardous Substances and New Organisms (HSNO) Act 1996 section 125(1A)(b)(ii).

## 9. Addition of Substances or Lifecycles (Extension)

If you wish to add a new a substance or lifecycle to your existing CSL you can apply to do so using the Replacement or Extension form ER-AF-CSL 02-3 07/09.

You will need (an) approved handler test certificate(s) to cover both the existing and new substances. If you give more than one approved handler test certificates, the CSL can only be issued until the first date that one of the certificates expires.

You will need to include relevant fees with your application.

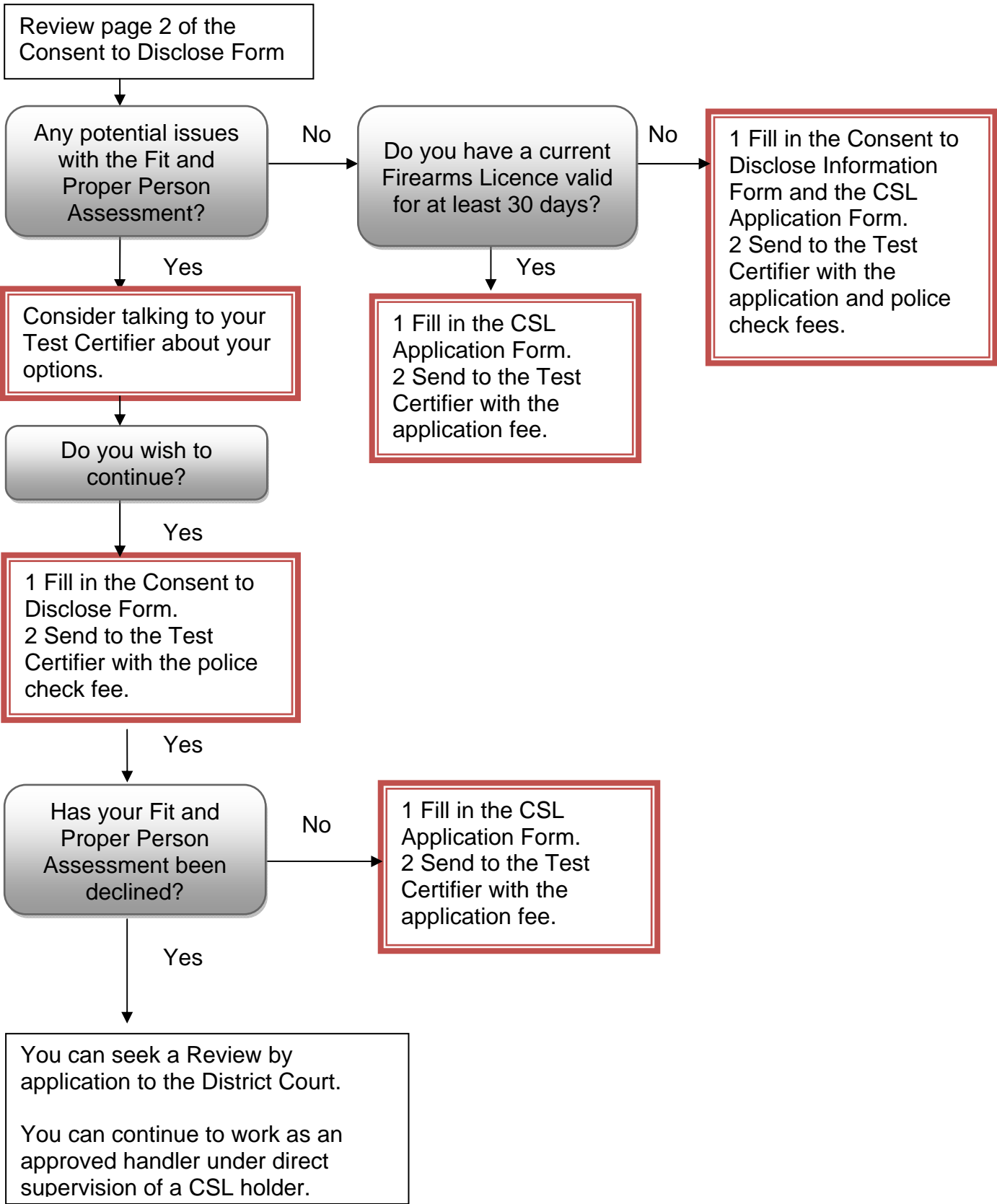
Your old licence will need to be returned to ERMA before the new licence is issued.

## 10. Lost Controlled Substances Licences

If you have lost your CSL you can apply for a replacement using f the Replacement or Extension form ER-AF-CSL-02-3 07/09.

You will need to include relevant fees with your application.

# Appendix A: Organising the Fit and Proper Person Assessment



## **Appendix B: What Behavioural History Information is Needed**

### **Criminal Records (Clean Slate) Act 2004 or New Zealand Police Diversion Scheme**

You do not need to declare convictions covered by the Criminal Records (Clean Slate) Act 2004 or disclose if you have been the subject of a New Zealand Police Diversion Scheme. Such convictions **will not** be taken into account when undertaking a fit and proper person assessment.

Under the Criminal Records (Clean Slate) Act, an individual must meet all of the criteria in section 7 of the Act before all of their convictions can be concealed. The general criteria for obtaining the benefits of the 'clean slate' scheme are set out below. You must have:

- no convictions within the last 7 years;
- never been sentenced to a custodial sentence e.g. imprisonment, corrective training, borstal;
- never been ordered by a Court following a criminal case to be detained in a hospital due to your mental condition, instead of being sentenced;
- not been convicted of a "specified offence" (e.g. sexual offending against children and young people or the mentally impaired);
- paid in full any fine, reparation, or costs ordered by the Court in a criminal case;
- never been indefinitely disqualified from driving under section 65 Land Transport Act 1998 or earlier equivalent provision."

The Act should be consulted for full information.

### **Convictions, Pending Convictions, Protection Orders, Investigations, Infringement Notices, History of Violence, or Drug or Alcohol Abuse**

If any of these apply to you but are not covered by the Criminal Records (Clean Slate) Act or Police Diversion scheme, you may still pass the fit and proper person assessment at a specified time period after the conviction or event. You should discuss this with your Test Certifier.

You will need to write a letter (attached to the application) setting out:

- the nature and date of the offence;
- any associated sentence;
- why you consider you should be considered for a CSL;
- character references (from a spouse and/ or employer), if possible; and
- in the case of violence, drug or alcohol abuse a letter of support from a qualified professional which indicates you are now fit to possess explosives.

### **Terrorist Organisations and Criminal Organisations**

A list of designated terrorist groups and individuals is available on the New Zealand Police website (<http://www.police.govt.nz/service/counterterrorism/designated-terrorists.html>). If you are unsure if a group you are or were a member of is classified as a terrorist group, you should talk to your Test Certifier.