



Civil Aviation (Medical Certification) Amendment Act 2001

Public Act 2001 No 87
Date of assent 24 October 2001
Commencement see section 2

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12 Consequential amendments to rules

Schedule
Consequential amendments to
principal Act**The Parliament of New Zealand enacts as follows:****1 Title**

- (1) This Act is the Civil Aviation (Medical Certification) Amendment Act 2001.
- (2) In this Act, the Civil Aviation Act 1990 is called “the principal Act”.

Part 1**Preliminary provisions****2 Commencement**

This Act comes into force on 1 April 2002.

3 Purpose

The purpose of this Act is to amend the principal Act by incorporating provisions that enhance the safety of civil aviation by improving the regulation of medical certification.

Part 2**Amendments to principal Act****4 Interpretation**

Section 2 of the principal Act is amended by inserting, in their appropriate alphabetical order, the following definitions:

“**aviation examiner** means a health professional; and includes any registered medical practitioner to whom the Director has issued an aviation document under section 27F(2) or section 27Q(2)(c) to conduct specified examinations under Part 2A

“**convener** means a registered medical practitioner appointed as convener by the Minister under section 27J or the deputy convener acting as convener

“**deputy convener** means a registered medical practitioner appointed as deputy convener by the Minister under section 27J

“**medical examiner** means a registered medical practitioner to whom the Director has issued an aviation document under section 27F(1) or section 27Q(2)(b) to conduct examinations under section 27D

“**registered medical practitioner** means—

- “(a) a person in New Zealand who is registered as a medical practitioner under the Medical Practitioners Act 1995; or
- “(b) a person in a jurisdiction other than New Zealand who is entitled, licensed, or registered to practise medicine in that jurisdiction

“**specified examination** means—

- “(a) an examination of visual and colour perception; or
- “(b) an examination of hearing; or
- “(c) a psychological examination; or
- “(d) any other class of examination prescribed in the rules”.

5 New Part 2A inserted

The principal Act is amended by inserting, after Part 2, the following Part:

“Part 2A “Medical certification

“27A Interpretation

“(1) In this Part, unless the context otherwise requires,—

“**accredited medical conclusion** means the conclusion reached by 1 or more medical experts acceptable to the Director for the purposes of the case concerned, in consultation with flight operations or any other experts that may be necessary

“**applicant** means a person who has applied for a medical certificate; and includes a licence holder who has reapplied for a medical certificate

“**licence holder** means a person who—

- “(a) holds an aviation document or is a pilot; and
- “(b) holds, or is required under the rules to hold, a medical certificate

“**medical certificate** means a certificate issued by the Director under this Part to an applicant or licence holder

“operator includes an air traffic service provider.

- “(2) A medical certificate is not an aviation document.
- “(3) In this Part, the phrase **privileges to which a medical certificate relates**, and its variations, means those privileges under this Act that may be exercised by a person who—
- “(a) holds a current aviation document; or
 - “(b) is permitted under the rules to operate an aircraft solo as a pilot.

“27B **Power of Director to issue medical certificate**

- “(1) After considering an application for a medical certificate, the Director must, as soon as practicable but no later than 30 working days after the date of receiving the report of the medical examiner, issue the medical certificate if he or she is satisfied that the applicant meets the medical standards prescribed in the rules, unless the Director has reasonable grounds to believe that the applicant has any characteristic that may interfere with the safe exercise of the privileges to which the medical certificate relates.
- “(2) Despite subsection (1), the Director may, relying on flexibility, issue a medical certificate to the applicant.
- “(3) In subsection (2), **flexibility** means the use of medical judgment to issue a medical certificate if the following conditions are fulfilled:
- “(a) an accredited medical conclusion indicates that in special circumstances the applicant’s failure to meet any medical standard prescribed in the rules is such that the exercise of the privileges to which a medical certificate relates is not likely to jeopardise aviation safety; and
 - “(b) the relevant ability, skill, and experiences of the applicant and operational conditions have been given due consideration; and
 - “(c) the medical certificate is endorsed with any conditions, restrictions, or endorsements when the safe performance of the applicant’s duties is dependent on compliance with those conditions, restrictions, or endorsements.
- “(4) The Director may impose any conditions, restrictions, or endorsements on a medical certificate issued under this section.

- “(5) Before issuing a medical certificate, the Director—
- “(a) must have regard to the report of the medical examiner and any other information that may be relevant; and
 - “(b) may require the applicant, at the applicant’s expense, to undertake any other tests, examinations, or re-examinations conducted by any suitably qualified and experienced person, or to provide any medical information, as the Director reasonably considers necessary to assess the applicant.
- “(6) If the Director requires an applicant to undertake any other test, examination, or re-examination, or to provide any medical information, the period in which the Director must make a decision in relation to the medical certificate under this section does not include the number of days that are required to conduct and deliver the results of the test, examination, or re-examination, or to provide the medical information, to the Director.
- “(7) The Director must maintain a register of current medical certificates issued under this section.
- “(8) Any decision made under this section by the Director in relation to a medical certificate other than a decision under subsection (5)(b) is subject to section 27L (review of decisions regarding medical certificates or applications).

“27C **Changes in medical condition of licence holder**

- “(1) Subject to any directions that the Director may issue under section 27G(1)(b), if a licence holder is aware of, or has reasonable grounds to suspect, any change in his or her medical condition or the existence of any previously undetected medical condition that may interfere with the safe exercise of the privileges to which his or her medical certificate relates, the licence holder—
- “(a) must advise the Director of the change as soon as practicable; and
 - “(b) may not exercise the privileges to which the licence holder’s medical certificate relates.
- “(2) Subject to any directions that the Director may issue under section 27G(1)(b), if an aviation examiner or medical examiner or operator is aware of, or has reasonable grounds to suspect, any change in the medical condition of a licence

- holder or the existence of any previously undetected medical condition in the licence holder that may interfere with the safe exercise of the privileges to which the licence holder's medical certificate relates, the aviation examiner or medical examiner or operator must advise both the licence holder and the Director of the change as soon as practicable.
- “(3) Subject to any directions that the Director may issue under section 27G(1)(b), if a registered medical practitioner has reasonable grounds to believe that a person is a licence holder and is aware, or has reasonable grounds to suspect, that the licence holder has a medical condition that may interfere with the safe exercise of the privileges to which the licence holder's medical certificate relates, the registered medical practitioner must, as soon as practicable,—
- “(a) inform the licence holder that the Director will be advised of the condition; and
 - “(b) advise the Director of the condition.
- “(4) An aviation examiner or medical examiner or a registered medical practitioner is not subject to any civil or criminal liability for—
- “(a) doing an indemnified act in good faith in the course of carrying out his or her functions under this Part; or
 - “(b) doing an indemnified act in good faith in the course of answering any questions put to him or her by the Director that—
 - “(i) concern a licence holder; and
 - “(ii) are relevant to any action the Director may take under this Part.
- “(5) In this section, **indemnified act** means any of the following acts:
- “(a) advising the Director, whether in writing or otherwise, that a licence holder—
 - “(i) may not meet the medical standards prescribed in the rules; or
 - “(ii) may be unable to exercise safely the privileges to which the licence holder's medical certificate relates;
 - “(b) expressing to the Director, whether in writing or otherwise, an opinion that the licence holder who the aviation examiner or medical examiner or registered medical practitioner has examined or treated may be unable

to exercise safely the privileges to which the licence holder's medical certificate relates because of—

- “(i) illness or any bodily or mental infirmity, defect, incapacity, or risk of incapacity suffered by the licence holder; or
 - “(ii) the effect on the licence holder of treatment for any illness, infirmity, defect, incapacity, or risk of incapacity:
- “(c) stating to the Director, whether in writing or otherwise,—
- “(i) the nature of a licence holder's illness, infirmity, defect, incapacity, or risk of incapacity; or
 - “(ii) the effect on a licence holder of treatment for any illness, infirmity, defect, incapacity, or risk of incapacity.

“27D Medical examination, report, and disclosure

- “(1) Before the Director issues a medical certificate, an applicant must have a medical examination by a medical examiner who must forward his or her report to the Director.
- “(2) The Director may, by written notice, require any applicant to disclose, or authorise the disclosure of, any information relevant to his or her medical condition or history for the purpose of determining whether or not the applicant is eligible for a medical certificate under section 27B.

“27E Expiry of medical certificate

The Director may, on receiving an application for a medical certificate from a licence holder before the expiry of his or her existing medical certificate, grant an extension of no more than 60 days from the expiry date of the licence holder's existing medical certificate with any additional conditions, restrictions, or endorsements as the Director considers necessary.

“27F Designation of aviation examiners and medical examiners

- “(1) The Director must designate, by issuing an aviation document under section 9, 1 or more medical examiners to conduct examinations under section 27D.

“(2) The Director may designate, by issuing an aviation document under section 9, 1 or more aviation examiners to conduct specified examinations that the Director may require under this Part.

“27G **General directions and emergency directives**

“(1) The Director may, by notice in the *Gazette*, issue general directions in relation to—

“(a) conducting examinations of applicants and licence holders, and reporting the results of those examinations to the Director; and

“(b) providing exceptions for temporary medical conditions to the reporting requirements set out in section 27C; and

“(c) specifying the requirements of examinations or other clinical matters, which must be reasonable, including, but not limited to,—

“(i) the medical content of examinations:

“(ii) the interpretation and analysis of results of examinations:

“(iii) the significance of results of examinations for the purpose of determining whether or not an applicant is eligible for a medical certificate under section 27B.

“(2) Before issuing general directions under subsection (1), the Director must consult with those persons, health professionals with aviation medical experience, representative groups within the aviation industry or elsewhere, government departments, and Crown agencies that he or she considers appropriate.

“(3) General directions issued in relation to the matters specified in subsection (1)(a) or (c) must be—

“(a) notified in writing to aviation examiners or medical examiners; and

“(b) incorporated in a medical manual issued by the Director.

“(4) The Director may issue directives in emergency situations without consultation or prior notice in the *Gazette*, but those directives—

“(a) must be published in the *Gazette* as soon as practicable after they are issued; and

“(b) expire on the day that is 90 days after the date on which they were issued.

“(5) The Director may reissue, under subsection (1), directives issued under subsection (4) before or after they expire.

“27H Investigation of medical condition of licence holder

“(1) The Director may, by written notice, require any licence holder, at the licence holder’s expense, to undertake any tests, examinations, or re-examinations conducted by any suitably qualified and experienced person, or to provide any medical information, at any time before the expiry of his or her medical certificate, if the Director has reasonable grounds to believe that the licence holder—

“(a) may be unable to exercise safely the privileges to which the medical certificate relates; or

“(b) has obtained his or her medical certificate fraudulently.

“(2) If the Director has delegated under section 27O the authority to issue medical certificates to any medical examiner, the Director may, by written notice to the relevant licence holder, withdraw any medical certificate that the medical examiner has issued under that authority within 60 days after the date it was issued if the Director requires the licence holder to supply additional medical information, in which case the Director must decide whether to reissue the medical certificate in accordance with section 27B.

“(3) The Director may, by written notice, require any licence holder, at the Authority’s expense, to undertake any tests, examinations, or re-examinations conducted by any suitably qualified and experienced person, or to provide any medical information, at any time before the expiry of his or her medical certificate if—

“(a) the Director—

“(i) is monitoring licence holders on the basis of random selection from the register of current medical certificates that is required to be maintained under section 27B(7); or

“(ii) has reasonable grounds to believe that the licence holder’s medical certificate was issued in error;
or

- “(iii) is monitoring aviation examiners or medical examiners for compliance with the requirements of this Act or the rules; and
- “(b) the Director has reasonable grounds to believe that any of those tests, examinations, re-examinations, or medical information are necessary to investigate the matters specified in paragraph (a).
- “(4) The Director may, by written notice, require any licence holder to disclose, or authorise the disclosure of, any relevant information for the purpose of determining whether or not the licence holder—
- “(a) meets the medical standards prescribed in the rules; or
- “(b) is able to exercise safely the privileges to which the medical certificate relates.
- “27I Revocation, suspension, amendment, and surrender of medical certificate**
- “(1) If the Director has reasonable grounds to believe that a licence holder may be unable to exercise safely the privileges to which the licence holder’s medical certificate relates, the Director may, by written notice to the licence holder,—
- “(a) suspend any medical certificate issued to the licence holder; or
- “(b) impose or amend any conditions, restrictions, or endorsements on any medical certificate issued to the licence holder.
- “(2) If the Director has reasonable grounds to believe that a licence holder is unable to exercise safely the privileges to which the licence holder’s medical certificate relates, the Director must, by written notice to the licence holder,—
- “(a) suspend any medical certificate issued to the licence holder; or
- “(b) revoke any medical certificate issued to the licence holder; or
- “(c) impose or amend any conditions, restrictions, or endorsements on any medical certificate issued to the licence holder.
- “(3) If the Director has reasonable grounds to believe that a person who has been delegated authority under section 27O to issue a medical certificate has issued a medical certificate other than

in accordance with this Part or the terms of the delegated authority, the Director—

“(a) may, by written notice to the licence holder,—

“(i) suspend any medical certificate issued to the licence holder; or

“(ii) revoke any medical certificate issued to the licence holder; or

“(iii) impose or amend any conditions, restrictions, or endorsements on any medical certificate issued to the licence holder; and

“(b) may, by written notice to the person with delegated authority, revoke that person’s delegated authority.

“(4) Any notice issued under this section must state the grounds for the Director’s decision.

“(5) A notice of suspension issued under subsection (1)(a) or subsection (2)(a) or subsection (3)(a)(i) remains in force until the Director determines what action, if any, referred to in subsection (7) is to be taken, but any such suspension expires 10 working days after the date that the suspension is imposed unless, before the expiry of that 10-working-day period, the Director extends the suspension for a further specified period not exceeding 10 working days (the aggregate suspension period may not exceed 20 working days after the date on which the suspension is imposed).

“(6) Any conditions, restrictions, or endorsements that are imposed or made under subsection (1)(b) or subsection (2)(c) or subsection (3)(a)(iii) remain in force until the Director determines what action, if any, referred to in subsection (7) is to be taken, but any of those conditions, restrictions, or endorsements expire 10 working days after the date that they are imposed unless, before the expiry of that 10-working-day period, the Director extends the conditions, restrictions, or endorsements for a further specified period not exceeding 10 working days (the aggregate period may not exceed 20 working days after the date on which the conditions, restrictions, or endorsements are imposed).

“(7) If a notice is issued under subsection (1) or subsection (2) or subsection (3), the Director may, by written notice, take 1 or more of the following actions:

- “(a) impose or amend conditions, restrictions, or endorsements for a specified period:
 - “(b) withdraw any conditions, restrictions, or endorsements:
 - “(c) disqualify the licence holder from holding the medical certificate for a specified period:
 - “(d) revoke the medical certificate:
 - “(e) cancel the suspension.
- “(8) If the Director revokes a medical certificate under subsection (2)(b) or subsection (3)(a)(ii) or subsection (7)(d) or subsection (11) or imposes any conditions, restrictions, or endorsements on a medical certificate under subsection (7)(a) or disqualifies a licence holder under subsection (7)(c), the licence holder has 20 working days from the date of the decision to ask the convener to review the decision under section 27L, after which time the decision may not be referred to the convener.
- “(9) A person who has had his or her medical certificate revoked, withdrawn, or suspended or who is disqualified from holding the medical certificate for a specified period must surrender the medical certificate to the Director, a person authorised by the Director, or a member of the police.
- “(10) If the Director issues a notice under this section, the Director—
- “(a) must also, if practicable, notify any aviation document holder affected by the notice, other than the licence holder, if the Director reasonably considers it necessary for reasons of aviation safety; and
 - “(b) may notify any other affected aviation document holder.
- “(11) The Director may, by written notice, revoke a medical certificate if a licence holder fails, without reasonable excuse, to comply with a demand under section 27H(1) or section 27H(3) or section 27H(4) within a reasonable period of time.
- “(12) Any licence holder may return his or her medical certificate to the Director and ask the Director, in writing, to cancel the medical certificate.
- “(13) If a licence holder asks the Director to cancel his or her medical certificate, the Director must—
- “(a) cancel the medical certificate; and
 - “(b) update the register of current medical certificates.

“27J Appointment of convener and deputy convener

“(1) The Minister must—

- “(a) appoint a convener and a deputy convener for a period of no longer than 3 years; and
- “(b) consult with the Director, and other parties as the Minister thinks fit, before making either appointment; and
- “(c) take into account any representations made under paragraph (b).

“(2) The Minister may renew an appointment as convener or deputy convener for 1 or more periods, each of which may not exceed 3 years.

“(3) If the Minister renews an appointment, he or she must—

- “(a) consult with the Director, and other parties as the Minister thinks fit, before making the renewal; and
- “(b) take into account any representations made under paragraph (a).

“(4) The convener and the deputy convener must—

- “(a) be registered medical practitioners who are suitably qualified, and experienced or knowledgeable in civil aviation; and
- “(b) be able to represent the public interest in aviation safety.

“(5) If the convener is unavailable for any reason, the deputy convener must discharge the duties of the convener under this section until—

- “(a) the convener is available; or
- “(b) the Minister has appointed a new convener.

“27K Cancellation of appointment as convener or deputy convener

“(1) The Minister may cancel a person’s appointment under section 27J(1) if the person fails to discharge satisfactorily his or her duties as convener or deputy convener, as the case may be.

“(2) Before cancelling an appointment, the Minister must—

- “(a) give the person written notice of the matters that constitute grounds for cancellation; and
- “(b) give the person a reasonable opportunity to make representations that explain why his or her appointment should not be cancelled; and

“(c) take into account any representations made under paragraph (b).

“(3) If the Minister cancels an appointment, the Minister must give the person written notice of the cancellation that sets out the grounds for the cancellation.

“27L **Review of decisions regarding medical certificates or applications**

“(1) A licence holder or an applicant may, within 20 working days of a decision being made, ask the convener in writing to review the following decisions made by the Director about that person’s medical certificate or application:

“(a) any decision made under section 27B, other than a decision made under section 27B(5)(b):

“(b) any decision made under section 27I, other than a decision made under—

“(i) section 27I(1); or

“(ii) section 27I(2)(a); or

“(iii) section 27I(2)(c); or

“(iv) section 27I(3)(a)(i); or

“(v) section 27I(3)(a)(iii).

“(2) If such a request is made, the convener must, as soon as practicable, review the decision.

“(3) The convener—

“(a) must draw on the advice and expertise of at least 1 person who the convener is satisfied is suitably qualified and experienced to assist the convener in his or her assessment of the decision that is under review; and

“(b) must have regard to the purpose and scheme of the Act and the Director’s duties under the Act when carrying out his or her review of the decision; and

“(c) may require the person who asked for the review, at that person’s expense, to undertake any other tests, examinations, or re-examinations conducted by any suitably qualified and experienced person, or to provide any medical information, as the convener considers reasonably necessary to carry out his or her review of the decision; and

“(d) must receive and consider the relevant evidence provided under subsection (6).

- “(4) The convener must, as soon as practicable, report the results of his or her review to the Director in writing.
- “(5) The Director must, within 10 working days of receiving the convener’s report, implement the results of the decision contained within the convener’s report or, if the Director does not implement the convener’s report, notify the licence holder or applicant, in writing, of the Director’s reasons for not doing so.
- “(6) The licence holder or applicant or Director may, either directly or through his or her medical experts, participate in the review process by providing relevant evidence to the convener regarding any medical matter at issue with respect to the decision that is under review.
- “(7) The convener may not review a decision made by the Director if the convener—
- “(a) acted as an aviation examiner or medical examiner of the person requesting the review with respect to that person’s application for a medical certificate; or
 - “(b) has any other conflict of interest with respect to the person’s medical certificate.
- “(8) Any decision by the Director under review by the convener remains in force until the Director makes a final decision under subsection (5).

“27M Referral to convener by agreement

- “(1) An application for a medical certificate may, by agreement in writing between the Director and the applicant, be referred to the convener for advice before the Director makes a decision on the application.
- “(2) If an application is referred to the convener under subsection (1),—
- “(a) the deadline imposed on the Director under section 27B(1) does not apply; and
 - “(b) the convener must,—
 - “(i) as soon as practicable, assess the application; and
 - “(ii) draw on the advice and expertise of at least 1 person who the convener is satisfied is suitably qualified and experienced to assist the convener in his or her assessment of the application; and

- “(iii) require the applicant, at the applicant’s expense, to undertake any tests, examinations, or re-examinations conducted by any suitably qualified and experienced person, or to provide any medical information, that the convener considers reasonably necessary to carry out his or her assessment of the application; and
 - “(iv) have regard to the purpose and scheme of the Act and the Director’s duties under the Act when making his or her assessment of the application; and
 - “(v) as soon as practicable, report the results of his or her assessment to the Director in writing; and
 - “(vi) receive and consider the relevant evidence provided under subsection (5).
- “(3) The Director must, within 10 working days of receiving the convener’s report,—
- “(a) consider the convener’s report; and
 - “(b) make his or her decision in writing; and
 - “(c) provide to the applicant—
 - “(i) a copy of the convener’s report; and
 - “(ii) a copy of the Director’s decision.
- “(4) If an application is referred to the convener under this section, the applicant may not ask the convener to review the Director’s eventual decision.
- “(5) The applicant or Director may, either directly or through his or her medical experts, participate in the convener’s assessment of the application by providing relevant evidence to the convener regarding any medical matter at issue with respect to that application.
- “(6) The convener may not assess the application if the convener—
- “(a) acted as an aviation examiner or medical examiner of the applicant with respect to that person’s application for a medical certificate; or
 - “(b) has any other conflict of interest with respect to the person’s medical certificate.

“27N Delegation of Director’s powers under this Part to registered medical practitioners who are employees of Authority

- “(1) The Director may, either generally or particularly, delegate to any suitably qualified registered medical practitioner who is an employee of the Authority any of the Director’s functions and powers under this Part or under the rules relating to medical certification.
- “(2) Every delegation under this section must be in writing.
- “(3) The Director may not delegate the power to delegate under this section.
- “(4) The provisions of subsections (6), (7), (9), (10), and (11) of section 23 apply to delegations under this section as if—
- “(a) references in those provisions to the Authority were references to the Director; and
- “(b) references in those provisions to any employee of the Authority were references to any employee of the Authority other than the Director.
- “(5) Any delegation under this section may be made to a suitably qualified registered medical practitioner who is the holder of a specified office of the Authority.

“27O Delegation of Director’s power under this Part to medical examiners who are not employees of Authority

- “(1) The Director may, either generally or particularly, delegate to any suitably qualified medical examiner who is not an employee of the Authority any of the Director’s functions and powers under this Part or under the rules relating to medical certification other than the power under this Part to revoke medical certificates.
- “(2) Despite subsection (1), the Director must delegate to suitably qualified medical examiners who are not employees of the Authority the power to issue medical certificates to any person who qualifies for a medical certificate under section 27B(1) or who otherwise meets the criteria for a standard medical assessment as prescribed in the rules or by the Minister under section 27Q(3).

- “(3) Every delegation under this section must be in writing.
- “(4) Subject to any general or special directions given or conditions imposed by the Director, any medical examiner to whom any functions or powers are delegated under this section may exercise those functions and powers in the same manner and with the same effect as if they had been conferred or imposed on that person directly by this Act and not by delegation.
- “(5) Any delegation under this section may be made to a specified medical examiner or a specified class of medical examiner or to the holder or holders of a specified office.
- “(6) Every delegation under this section must be given for a specified period but in any event must be revocable at will.
- “(7) No delegation under this section may—
- “(a) affect or prevent the exercise of any function or power by the Director; or
 - “(b) affect the responsibility of the Director for the actions of any person acting under the delegation.
- “(8) Every delegation under this section continues in force until it is revoked or it expires, whether or not the person who made the delegation ceases to hold office.
- “(9) Every person purporting to act under any delegation under this section may, when reasonably requested to do so, produce evidence of his or her authority to so act.
- “(10) The Director may not delegate under this section any of his or her functions or powers under section 27L or section 27M.

“27P Right of appeal to District Court

Any person affected by a decision of the Director under section 27B (other than a decision made under section 27B(5)(b)), section 27I(7), section 27I(11), section 27L, or section 27M has a right of appeal to a District Court under section 66.

“27Q Transitional provisions

- “(1) Part 67 of the rules (as it read immediately before the commencement of this Part) continues to apply to—
- “(a) any application for a medical certificate lodged before the commencement of this Part:

- “(b) any action begun with respect to a medical certificate before the commencement of this Part.
- “(2) In the absence of rules providing for the issue of aviation documents to aviation examiners or medical examiners,—
- “(a) the Minister must establish the selection criteria for the issue of aviation documents to aviation examiners or medical examiners or classes of aviation examiners or medical examiners that the Director must use to issue those aviation documents, including any reasonable requirements—
- “(i) for examinations, training, and experience; and
- “(ii) for ongoing training and development; and
- “(iii) relating to the classification of aviation examiners and medical examiners and any related standards and restrictions on the exercise of their functions and powers; and
- “(b) the Director must designate, by issuing an aviation document under section 9, 1 or more medical examiners to conduct examinations under section 27D; and
- “(c) the Director may designate, by issuing an aviation document under section 9, 1 or more aviation examiners to conduct specified examinations that the Director may require under this Part.
- “(3) In the absence of rules under section 30(b)(x) or section 30(b)(xi), the Minister must establish the criteria for the grant of delegations, including—
- “(a) any requirements for the grant of delegations by the Director under section 27O(2); and
- “(b) any requirements for the purposes of determining suitably qualified medical examiners and establishing the criteria for standard medical assessments under section 27O(2).

“27R Savings

Any medical certificate issued under the rules before the commencement of this Part is deemed to be a medical certificate issued under this Part.”

6 Requirement for aviation document

Section 7(1) of the principal Act is amended by adding the following paragraph:

“(s) any person who is an aviation examiner or medical examiner.”

7 Rules relating to general matters

- (1) Section 30(a) of the principal Act is amended by inserting, after subparagraph (vi), the following subparagraph:

“(via) aviation examiners or medical examiners:”.

- (2) Section 30(b) of the principal Act is amended by adding the following subparagraphs:

“(ix) the requirements relating to the classification of aviation examiners and medical examiners and any related standards and restrictions on the exercise of their functions and powers:

“(x) the requirements for the grant of delegations by the Director under section 27O(2):

“(xi) the requirements for the purposes of determining suitably qualified medical examiners and establishing the criteria for standard medical assessments under section 27O(2):

“(xii) the requirements and criteria for determining medical experts acceptable to the Director for the purposes of reaching an accredited medical conclusion:”.

8 Fees and charges

Section 38(1) of the principal Act is amended by inserting, after paragraph (b), the following paragraph:

“(ba) to reimburse the Authority and the convener for costs directly associated with the Director’s functions and the convener’s functions under Part 2A:”.

9 Amendments to offence provisions

The principal Act is amended by inserting, after section 46, the following sections:

“46A Acting without required medical certificate

- “(1) Every person who exercises the privileges of any aviation document or operates an aircraft solo commits an offence if that person—
- “(a) does not hold an appropriate current medical certificate issued under Part 2A or a medical certificate recognised by the Director under the rules; or
 - “(b) knows or has reasonable grounds to suspect that he or she can no longer exercise safely the privileges to which his or her medical certificate relates; or
 - “(c) fails to comply with any conditions, restrictions, or endorsements specified by the Director under section 27B(4).
- “(2) Every person who commits an offence under subsection (1) is liable to imprisonment for a term not exceeding 12 months or to a fine not exceeding \$10,000.

“46B Fraudulent, misleading, or intentionally false statements to obtain medical certificate

- “(1) Every person commits an offence who makes or causes to be made—
- “(a) any fraudulent, misleading, or intentionally false statement for the purpose of obtaining a medical certificate under Part 2A; or
 - “(b) any fraudulent, misleading, or intentionally false entry in any logbook, record, form, or report that is required to be kept, made, or used to show compliance with any conditions, restrictions, or endorsements placed on any medical certificate under Part 2A; or
 - “(c) any reproduction or alteration for fraudulent purposes of any medical certificate issued under Part 2A; or
 - “(d) any fraudulent, misleading, or intentionally false statement during an investigation under section 27H or a review under section 27L or an assessment under section 27M.
- “(2) Every person who commits an offence under subsection (1) is liable to imprisonment for a term not exceeding 12 months or to a fine not exceeding \$10,000.

“46C Failure to disclose information required by Director

- “(1) Every person commits an offence who fails to disclose, without reasonable excuse, information required by the Director under section 27C(1) or section 27H.
- “(2) Every person who commits an offence under subsection (1) is liable to imprisonment for a term not exceeding 12 months or to a fine not exceeding \$5,000.”

10 Evidence and proof

- (1) Section 71(1) of the principal Act is amended by inserting, after paragraph (c), the following paragraph:
- “(ca) the production of a written statement signed by the Director to the effect that on a specified date a person was or was not the holder of a medical certificate issued under Part 2A, or the rules before the commencement of the Civil Aviation (Medical Certification) Amendment Act 2001, is sufficient evidence of the matter stated, until the contrary is proved:”.
- (2) Section 72I(4) of the principal Act is amended by inserting, after paragraph (a), the following paragraph:
- “(aa) the issue, suspension, or revocation of medical certificates; or”.

11 Consequential amendments to principal Act

The principal Act is consequentially amended in the manner indicated in the Schedule.

12 Consequential amendments to rules

- (1) The rules are amended by revoking the following rules:
- (a) rule 61.35(b) to (d) (medical requirements):
 - (b) rule 63.23(b) (medical requirements):
 - (c) rule 63.23(c) (medical requirements):
 - (d) rule 65.25(b) (medical requirements):
 - (e) rule 65.25(c) (medical requirements):
 - (f) rule 67.03(b) (application):
 - (g) rule 67.05 (aviation medical assessors and designated medical examiners):
 - (h) rule 67.07 (medical examinations):
 - (i) rule 67.09 (issue of medical certificates):
 - (j) rule 67.13 (review assessments):

- (k) rule 67.15 (special medical assessments):
 - (l) rule 67.19(a) (certificates, reports and records):
 - (m) rule 67.53 (general requirements).
- (2) Rule 1.1 (general definitions) is amended by revoking the definitions of **aviation medical assessor**, **designated medical examiner**, and **flexibility**.
- (3) Rule 1.1 (general definitions) is amended by revoking the definition of **valid**, and substituting the following definition:
“**valid** means,—
- “(a) in respect of a licence or rating, the document has been issued in accordance with the Civil Aviation Rules, and is not expired, suspended, or revoked; and
 - “(b) in respect of a medical certificate, the medical certificate has been issued in accordance with the Act, and is not expired, suspended, or revoked.”
- (4) Rule 61.35(a)(1) (medical requirements) is amended by omitting the words “Part 67 of these rules”, and substituting the words “the Act”.
- (5) Rule 61.43(a) (examination for continued fitness or proficiency) is amended by—
- (a) omitting the words “undergo a medical or other”, and substituting the words “take an”; and
 - (b) omitting the words “continued fitness or”.
- (6) Rule 61.43(b) (examination for continued fitness or proficiency) is amended by omitting the words “medical or other” in both places where they appear.
- (7) Rule 61.43(c) (examination for continued fitness or proficiency) is amended by omitting the words “undergoes a medical or other”, and substituting the words “takes an”.
- (8) The heading to rule 61.43 (examination for continued fitness or proficiency) is amended by omitting the words “continued fitness or”.
- (9) Rule 63.27(a) (examination for continued fitness or proficiency) is amended by—
- (a) omitting the words “undergo a medical or other”, and substituting the words “take an”; and
 - (b) omitting the words “continued fitness or”.

- (10) Rule 63.27(b) (examination for continued fitness or proficiency) is amended by omitting the words “medical or other” in both places where they occur.
 - (11) Rule 63.27(c) (examination for continued fitness or proficiency) is amended by omitting the words “undergoes a medical or other”, and substituting the words “takes an”.
 - (12) The heading to rule 63.27 (examination for continued fitness or proficiency) is amended by omitting the words “continued fitness or”.
 - (13) Rule 65.27(a) (examination for continued fitness or proficiency) is amended by—
 - (a) omitting the words “undergo such medical or other”, and substituting the words “take such an”; and
 - (b) omitting the words “fitness or”.
 - (14) Rule 65.27(b) (examination for continued fitness or proficiency) is amended by omitting the words “undergoes a medical or other”, and substituting the words “takes an”.
 - (15) The heading to rule 65.27 (examination for continued fitness or proficiency) is amended by omitting the words “continued fitness or”.
 - (16) Rule 67.03(a) (application) is amended by omitting the words “this Part”, and substituting the words “the Act”.
 - (17) Rule 67.03(a)(4) (application) is amended by omitting the words “and the relevant Aviation Medical Assessor”.
 - (18) Rule 67.03(a)(5) (application) is amended by omitting the words “Aviation Medical Assessor or Designated Medical Examiner”, and substituting the words “medical examiner”.
 - (19) Rules 61.105(2) (student pilots flying solo), 61.153(a)(2) (private pilots licences), 61.203(3) (commercial pilot licences), 63.23(a)(1) (flight engineers licences), 63.53(2) (eligibility requirements), 65.25(a)(1) (air traffic controller licences), 65.53(a)(2) (eligibility requirements), and 105.5(c)(3) are amended by omitting the expression “Part 67”, and substituting the words “the Act”.
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Schedule

Consequential amendments to principal Act

Section 15(1)(b)

Insert, after the word “procedure”, the word “; or” and the following paragraph:

“(c) is designated as an aviation examiner or medical examiner under Part 2A”.

Legislative history

20 February 2001	Introduction (Bill 104–1)
27 February 2001	First reading and referral to Transport and Industrial Relations Committee
29 June 2001	Reported from Transport and Industrial Relations Committee (Bill 104–2)
9 October 2001	Second reading
10 October 2001	Committee of the whole House (Bill 104–3)
16 October 2001	Third reading
24 October 2001	Royal assent

This Act is administered in the Ministry of Transport.
