

House of Representatives  
Supplementary Order Paper

Wednesday, 10 October 2001

Civil Aviation (Medical Certification) Amendment Bill

*Proposed amendments*

Hon Mark Gosche, in Committee, to move the following amendments:

*Clause 2*

To omit the expression “**3 September 2001**” (line 14 on page 2), and substitute the expression “**1 April 2002**”.

*Clause 3*

To omit *paragraph (b)* (lines 1 and 2 on page 3).

*Clause 3A*

To insert, after the definition of **medical examiner** (after line 21 on page 3), the following definition:

“**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

*Clause 4*

To insert in *new section 27A(1)*, before the definition of **applicant** (before line 5 on page 4), the following definition:

“**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

To omit *new section 27C(2)* (lines 17 to 26 on page 7), and substitute the following subsection:

- “(2) Despite **subsection (1)**, the Director may, using flexibility, issue a medical certificate to the applicant.
- “(2A) 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.

To omit *new section 27C(6)* (lines 15 to 27 on page 8).

To omit from the heading to *new section 27H* the words “**and emergency directions**” (line 24 on page 17), and substitute the words “**directions and emergency directives**”.

To omit from *new section 27H(1)* the word “for” (line 26 on page 17), and substitute the words “in relation to”.

To omit from *new section 27H(1)(a)* the words “, and the directions must be—” and *subparagraphs (i) and (ii)* (line 29 on page 17 to line 2 on page 18), and substitute the word “; and”.

To add to *new section 27H(1)(b)* the word “; and” (line 4 on page 18) and to add the following paragraph:

- “(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 27C**.

To insert in *new section 27H(2)*, after the words “those persons,” (line 6 on page 18), the words “health professionals with aviation medical experience,”. To insert, after *new section 27H(2)* (after line 9 on page 18), the following subsection:

“(2A) 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.

To add to *new section 27M(3)* the word “; and” (line 28 on page 24) and to add the following paragraph:

- “(d) must receive and consider the relevant evidence provided under **subsection (6)** before making a decision.

To add to *new section 27N(2)(b)* the word “; and” (line 9 on page 26) and to add the following subparagraph:

- “(vi) receive and consider the relevant evidence provided under **subsection (5)** before making a decision.

To omit *new section 27OC(1) to (5)* (line 27 on page 28 to line 17 on page 29). To omit *new section 27OC(6)* (lines 18 to 22 on page 29), and substitute the following subsection:

- “(6) 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.

To insert in *new section 27OC(7)(a)*, after the word “including” (line 29 on page 29), the words “any reasonable requirements”.

To omit from *new section 27OC(7)(a)(i)* the words “any requirements” (line 30 on page 29).

To omit from *new section 27OC(7)(a)(ii)* the words “any requirements” (line 32 on page 29).

To omit from *new section 27OC(7)(a)(iii)* the words “any requirements” (line 34 on page 29).

*Clause 6(1)*

To omit from *new paragraph (ca)* the words “**Civil Aviation Amendment Act (No 2) 2001**” (line 22 on page 33), and substitute the words “**Civil Aviation (Medical Certification) Amendment Act 2001**”.

*Clause 8*

To omit from *subclause (8)* the words “word ‘examiner’” (line 24 on page 36), and substitute the words “words ‘medical examiner’”.

### Explanatory note

This Supplementary Order Paper amends the Civil Aviation Amendment Bill (No 2). It changes the commencement date of the Bill and adds the definitions

of **accredited medical conclusion** and **registered medical practitioner**. It also amends *new section 27H(1)* to clarify that the Director may also issue general directions in relation to the medical aspects of examinations. In addition, it replaces *new section 27OC(6)* to ensure that Part 67 of the Civil Aviation Rules, as it read immediately before the commencement of the Bill, continues to apply to any application for a medical certificate lodged before the commencement of the Bill or to any action begun with respect to a medical certificate before the commencement of the Bill.

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