



The National Organisation in New Zealand of:
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Aviation Insurers

1 November 2012

Group Executive officer
Aviation Infrastructure and Personnel
Civil Aviation Authority
PO Box 3555
Wellington 6140

Exemptions@caa.govt.nz

Petition for Exemption

This petition is made by the Aviation Industry Association on behalf of all pilots in New Zealand who hold Class One, and or Class Two Medical Certificates.

The Rule from which the exemption is sought CAR 61.35 (1) (i) and (ii) and is limited

- to the holders of class one and class two medical certificates issued by the Civil Aviation Authority of Australia; and
- for such period of time as the New Zealand CAR 61.35 (1) (i) and (ii) remain in its present form.

The grounds for the exemption are Section 37 (a) and (b) and no change to the risk to safety from approving this exemption application.

The reasons for the petition are as follows:

New Zealand has recently imposed a charge for the administration of the medical certification system which is substantially in excess of the charge prevailing in Australia. The differential in charge is impacting on the international competitiveness of the New Zealand training product. It is the first differential in charge foreign students become aware of when investigating options for training overseas.

The ability for foreign students to hold a medical certificate issued by CASA equalises this charge.

New Zealand license holders should not be discriminated against merely because they are of operating a New Zealand registered



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aircraft and New Zealand citizens should have the same occupational rights as Australian citizens. This is provided for in the Trans Tasman Mutual recognition agreement unless there is some justifiable differential which in the context of the Civil Aviation Act 1990 must relate to and elevation of risk.

In accepting that Australian registered aircraft can operate in the New Zealand jurisdiction for the purposes of CAR 121 operations the New Zealand jurisdiction has effectively agreed that the appropriate license accompanied by an Australian medical certificate issued by CASA is an acceptable level of risk. As the risk in this instance is related to the pilot and not the operation of the aircraft the pilot risk of incapacitation is determined in accordance with ICAO Annex 1 and on the basis of informed expert judgment by an appropriately qualified aviation medical examiner.

Australia has determined that certain New Zealand doctors are capable of assessing a pilot's medical fitness. These very same Doctors may also assess a pilot as being medically fit for the purposes of issuing a New Zealand certificate.

The risk of an incorrect medical assessment being made is minimized by the use of doctors who have already been assessed as competent by CASA.

The information on a pilot's medical fitness would be held securely by another regulatory authority and CAA could easily access this information should it be necessary although submission of an Australian medical certificate should be appropriate.

Pilots would hold a medical certificate issued by a jurisdiction recognised by ICAO. All risks are addressed.

In terms of consideration of this application Section 37 (a) is complied with in that the pilot holds a class one or class two medical certificate issued by a jurisdiction deemed as acceptable for the purposes of pilots operating scheduled CAR 121 operation in the New Zealand domestic operational environment.

The action sought to be taken in granting this exemption application – recognition of a CASA issued medical certificates - delivers the same level of compliance in that:



- the appropriate class of medical certificate is issued;
- the class of medical certificate is determined internationally at ICAO
- the medical certificate issued to pilots operating Australian registered aircraft is already accepted in the highest risk New Zealand operating environment without qualification
- New Zealand and Australia are acceptable regulatory jurisdictions in the International ICAO context
- Under the Trans Tasman Mutual Recognition Act there is mutual recognition of occupations. No restrictions are prescribed in that Act in respect of Pilots. To restrictively apply the requirements for a New Zealand issued medical certificate is to undermine the fundamental principles of that Act.

Justification

Pilots flying Australian registered aircraft within New Zealand are permitted to operate services utilizing their relevant license, which may be a License issued by the New Zealand Civil Aviation Authority, accompanied by a medical certificate issued by the Civil Aviation Safety Authority of Australia. This exemption application seeks the right for New Zealand license holders, operating New Zealand registered aircraft to operate services if they too hold a medical certificate issued by the Civil Aviation Authority of Australia.

Effectively this would mean that the "pilot: risks associated with the operation of aircraft within New Zealand are identical irrespective of the state of registration of the aircraft".

Australia and New Zealand both operate medical assessment procedures and protocols compliant with Annex 1 of ICAO. Both jurisdictions have been subject to recent ICAO audit and both jurisdictions found to more than acceptably meet the level of assurance required by ICAO in this area.

Nominated aviation medical examiners in the New Zealand jurisdiction have been found to be acceptable to act as medical examiners for the Civil Aviation Authority of Australia. Using a New Zealand based medical examiner to perform the examination means there is a high potential for there to be continued history and knowledge of the individual pilot seeking the certificate. New



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Zealand pilots will not have to seek out a random examiner in Australia.

We seek this exemption to continue until CAR 61.35 (1) (i) and (ii) is amended. The exemption application covers the potential for any pilot to submit a current medical certificate issued by CASA however approval would need to be on an individual basis as some pilots may wish to continue with a medical certificate issued by the New Zealand CAA. The point of the exemption being that a CASA issued medical certificate would be automatically acceptable to the New Zealand CAA.

Comment on the safety issues that may arise if the exemption is granted or declined.

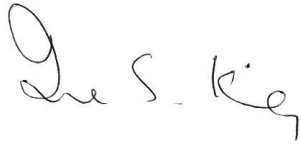
If the exemption is not granted a safety issue may arise as to why the NZ CAA considers an Australian issued medical certificate is acceptable for pilots operating high capacity scheduled domestic operations but not for New Zealand operations utilizing New Zealand registered aircraft even though in a number of circumstances the risk exposure is considerably less.

We submit the public interest would find it particularly challenging to comprehend two levels of medical assessment, where a pilot is fit in one jurisdiction and potentially incapacitated in another when precisely the same Doctor may be undertaking the assessment. In the public's mind a pilot is either fit or unfit and the public rely on suitably qualified medical practitioners to make this judgment. We do not see how they could remotely comprehend the CAA declining recognition of a CASA approved medical certificate merely because the pilot is operating a New Zealand registered aircraft. The public see the decision to issue a medical certificate contingent upon the assessment of the doctor and nothing to do with the country of registration of the aircraft. The risk is incapacitation of the pilot and this is not dictated by the type of aircraft flown.

We would appreciate this application being treated with urgency.



Yours sincerely

A handwritten signature in black ink, appearing to read "Irene King". The signature is fluid and cursive, with the first name "Irene" and last name "King" clearly distinguishable.

Irene King
Chief Executive.



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