



Guide to the

Medical Convener Process

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1 Introduction

1.1 Background

Under the Civil Aviation Act 1990 (the Act), a person may, within 20 working days of the Director of Civil Aviation making a decision about his or her medical certificate, ask the Convener to review that decision. The Act also requires the request to be made in writing. The Convener cannot review a decision if the request has been made outside this timeframe.

Section 27J of the Civil Aviation Act 1990 provides for the Minister of Transport to appoint a Medical Convener (the Convener) and Deputy Medical Convener (the Deputy Convener) to review medical certification decisions.

Dr Martin Peterson is the current Convener. Dr Martin Robb is the current Deputy Convener.

This is a general guide and intended to be used as a reference only. It is not a substitute for the provisions of the Act and should not be relied on as legal advice. Whilst every care has been taken in its preparation, the Ministry of Transport accepts no liability for reliance on or error in this guide. The guide should be read in conjunction with Part 2A of the Civil Aviation Act 1990, especially sections 27B, 27I, 27L and 27M.

The Civil Aviation Act 1990 can be found on www.legislation.govt.nz

1.2 What qualifications must a Convener or Deputy Convener have?

The Convener and the Deputy Convener must:

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

1.3 Functions of the Convener

The Convener, or Deputy Convener if the Convener is not available, has two functions:

- (a) to review certain decisions in relation to a medical certificate
- (b) to advise the Director of Civil Aviation (the Director) on applications for a medical certificate as a result of a joint referral by the applicant and the Director

1.4 Review of decisions

Section 27L(1) of the Act sets out the decisions an applicant for a medical certificate or licence holder may ask the Convener to review. Essentially, these are decisions by the Director to:

- (a) revoke a medical certificate
- (b) decline a medical certificate

- (c) impose conditions, restrictions or endorsements on a medical certificate
- (d) disqualify a person from holding a medical certificate

1.5 Decisions that may not be referred to the Convener for review

Decisions that may not be referred to the Convener for review are temporary measures that the Director may impose for no longer than 20 working days, that is the suspension of, or the imposition of temporary conditions, restrictions or endorsements on, a medical certificate.

1.6 Referral to Convener by agreement

The Director and the applicant may by written agreement jointly refer an application for a medical certificate to the Convener for advice.

1.7 Statutory considerations for reviews and joint referrals

The procedure for a review or joint referral must take into account the following matters contained in the Act.

- The Convener must review the decision, or assess an application, as soon as practicable.
- The Convener must call on the advice and expertise of at least one other person who is suitably qualified and experienced.
- The Convener may call for additional tests and examinations at the applicant's expense.
- The Convener must have regard to the purpose and scheme of the Act and the Director's duties. Therefore the Convener must take into account all matters that the Director must have regard to in exercising his or her decision making power.
- The licence holder and the Director may participate in the process by providing relevant evidence regarding any medical matter at issue with respect to the decision, or application, which is under review.
- The Convener must receive and consider the relevant evidence mentioned above.
- The Convener may not review a decision, or assess an application, where the Convener has a conflict of interest.

1.8 Deputy Convener

If the Convener is not available for any reason, the Deputy Convener will act for the Convener to conduct a review or joint referral.

1.9 Fees and charges

Currently there is no fee for an application for a review or joint referral. The Act provides for a fee to be set by regulation and is likely to be set in due course. Costs incurred by an applicant or licence holder will be the responsibility of that person.

1.10 Ministry of Transport's role

The Ministry of Transport provides administrative support to the Convener. All inquiries should in the first instance be made to the Medical Convener Administrator at the Ministry of Transport who is responsible for assisting the Convener.

Medical Convener Administrator
Phone: 04 439 9337
Fax: 04 439 9004
Email: medicalconvener@transport.govt.nz

The Medical Convener Administrator monitors the progress of reviews and communicates with the Director of Civil Aviation and applicants, on the Convener's behalf.

2. Process for a review

2.1 How to apply for a Medical Convener Review

Application forms for a Medical Convener Review can be found on the [Ministry of Transport website](#).

Applications must be submitted to the Convener **within 20 working days of the Director making the decision** that is to be reviewed. The Convener cannot review a decision if the request is made outside this timeframe.

It is advisable that any person intending to apply for a review of a decision should discuss this with his or her aviation medical examiner as soon as possible. The medical examiner should be able to provide advice on the type of information that would support the application.

Applicants should send their fully completed form and any supporting documentation to:

The Medical Convener
c/- The Ministry of Transport
PO Box 3175
WELLINGTON 6140

2.2 Responsibilities of licence holder or applicant

- (a) The licence holder or applicant should submit information that supports the review with their application form to the Convener. This may include:
- submissions on why a review is sought
 - expert opinions and information demonstrating comparable situations
 - details about the nature of the operations the licence holder or applicant intends to engage in
 - anything else the applicant considers necessary to support his/her position
- (b) In order for the Convener to comply with his obligation to review as soon as practicable, applicants need to supply any supporting information within the

requested timeframes. Supplying information outside these timeframes may result in the review being delayed until subsequent reviews have been completed. Note that the Convener is only required to consider information that he considers relevant to the medical matters at issue.

- (c) The licence holder or applicant must inform the Convener promptly of any change in their state of health that might impact on his/her eligibility for a medical certificate.
- (d) The licence holder or applicant is responsible for the cost of any additional reports, tests or examinations that the Convener may require during the course of a review.
- (e) The licence holder or applicant must inform the Convener promptly if the review is no longer required or if a new medical certificate has been issued.
- (f) The licence holder or applicant must inform the Convener promptly if his/her contact details have changed.

2.3 Administration of the Review Process

When an eligible application for a review is received, the following will occur.

- (a) The Convener will request the Director of Civil Aviation to provide all medical information held by the Civil Aviation Authority on the applicant, and a submission on the reason/s for the decision.
- (b) A copy of the medical file and submission will be made available to the applicant to enable him/her to comment on the submission and to provide additional supporting information to the Convener.
- (c) If any comment or additional supporting information is provided, it will be sent to the Director for consideration and a response.
- (d) The response will be provided to the applicant for his/her information.
- (e) The Convener will then review the information to hand. When considering the case, the Convener must call on the expertise of a least one other person who is suitably qualified and experienced.
- (f) The Convener may decide that additional medical reports, tests or examinations are required. These may be to ensure the case has merit, or to clarify details.
- (g) At the conclusion of his review, the Convener will report the results of the review to the Director.
- (h) The Director must implement the results of the review within 10 working days, or otherwise notify the applicant or licence holder, in writing, of his reasons for not doing so.
- (i) The Director will copy the Convener's report to the applicant with his decision, and will also notify the Convener of the decision.

The Convener will conduct a review on the written submissions. The Convener may, however, contact either party to seek clarification of a submission.

The Convener is required to complete all reviews as soon as practicable. Reviews can take several months to complete, due to complex medical issues involved and the requirement to consult with experts. In addition, there are normally a number of reviews for consideration at any given time and these are dealt with strictly in the order in which they are received. Below is a flowchart of the administration process. Please note that the timelines as shown in the flowchart are a guide only.

Further information on aviation medical certification can be found on the [Civil Aviation Authority's website](#).

2.4 Flowchart of the Medical Convener Process

Medical Convener Review

