



# Update ME

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A brief update from the  
Civil Aviation Authority  
Central Medical Unit

21 July 2006

## Single-pilot air operations carrying passengers

The new Rule 67.61(a)(1)(i) makes reference to “single-pilot air operations carrying passengers” in respect to class 1 medical certificate durations. This rule provision is intended to bring New Zealand’s class 1 medical certificate maximum durations into compliance with the ICAO requirements.

Under the provisions of Rule 67.61(a)(1), except for pilots who are 40 years of age or older on the date that the medical certificate is issued, and who engage in single-pilot air operations carrying passengers, class 1 medical certificates may be issued for up to a maximum duration of 12 months.

In the course of their regulatory medical activities MEs may be confronted with questions concerning the meaning of “single-pilot air operations carrying passengers”. While it is beyond the scope of a newsletter of this size to provide a detailed definition of this concept some general information and advice is provided below.

1. Generally “air operations carrying passengers” refers to *commercial-type* operations conducted for hire or reward, but there are some exceptions (See Civil Aviation Rule Part 1 definitions overleaf) ... so it is the responsibility of the pilot to understand the legal nature and scope of their operations. It is not the responsibility of an ME to have a detailed understanding of this.
2. If a pilot is uncertain of how, or whether, the concept of “single-pilot air operations carrying passengers” applies to their operations they should be referred to the relevant CAA operational department for clarification.
3. Up-to-date information about the CAA departmental structure, and contact personnel, can be found on the CAA website<sup>1</sup>.

A CAA Medical Information Sheet<sup>2</sup> (MIS) is presently being developed to provide a detailed description of, and further information concerning, “single-pilot air operations carrying passengers”. When that MIS is published advice will be provided in this newsletter.

The second page of this newsletter provides some of the legislative definitions relevant to “single-pilot air operations carrying passengers”. This is for reference purposes only and is not intended as an

exhaustive analysis of that concept.

## From the literature: Fatigue in commercial pilots

A recently published report concludes “Identifiable fatigue problems are reported by short-haul pilots, but this cannot be attributed solely to the work schedules of low-cost airlines as regular use of discretion time appears to be associated with fatigue regardless of airline”<sup>3</sup>.

It may be worthy of note that the study relied on the *self-reporting* responses of 162 pilots to an internet questionnaire.

## In the courts: TTMRA and the Federal Court of Australia

A recent judgment of the Australian Federal Court<sup>4</sup> provides a reminder of one important aspect of the current trans-Tasman mutual recognition arrangements between Australia and New Zealand.

In this case the pilot held an Australian licence and then obtained a NZ licence, under the trans-Tasman arrangements. The pilot’s NZ licence was subsequently revoked by the CAA on disciplinary grounds. That revocation, immediately and automatically, lead to his Australian licence being invalidated.

The appellant was appealing the loss of his CASA licence and the Federal Court concluded that that loss was automatic and did not constitute a decision by the Australian regulatory authority. The pilot’s appeal was rejected by the Federal Court.

The important message in this case is that the loss of a trans-Tasman mutual recognition pilot licence, on disciplinary grounds, results in the automatic loss of the original licence upon which the issue of the mutual recognition licence was based (and vice versa).

## ME training: Auckland 16 September 2006

The CAA is planning to provide a half-day of regulatory update training for MEs in conjunction with the 16 – 17 September 2006 AMSANZ conference planned for Auckland. The proposal, being explored at the moment, is to deliver this training during the afternoon of Saturday 16 September 2006.

<sup>1</sup> [CAA Structure and Staff](#) sub-page of CAA website

<sup>2</sup> [Medical Information Sheets](#) sub-page of CAA website

<sup>3</sup> [Prevalence of fatigue among commercial pilots](#). Jackson CA and Earl L. Occupational Medicine (Oxford). 56(4):263-8. June 2006.

<sup>4</sup> [Christidis v Civil Aviation Safety Authority \[2006\] FCA 615](#) of 25 May 2006.

## Single-pilot air operations carrying passengers: Some of the legislation

### From Civil Aviation Rules Part 67 – Medical Standards and Certification<sup>5</sup>.

Rule 67.61, Effective date and duration of medical certificates, includes:

- (a) Subject to paragraphs (c) and (e), the Director may issue—
- (1) a class 1 medical certificate for a period of up to—
    - (i) 6 months, for **single-pilot air operations carrying passengers** if the applicant is 40 years of age or more on the date that the medical certificate is issued; or
    - (ii) 12 months, in all other cases;
  - (2) a class 2 medical certificate for a period of up to—
    - (i) 60 months, if the applicant is less than 40 years of age on the date that the medical certificate is issued; or
    - (ii) 24 months, if the applicant is 40 years of age or more on the date that the medical certificate is issued;
  - (3) a class 3 medical certificate for a period of up to—
    - (i) 48 months, if the applicant is less than 40 years of age on the date that the medical certificate is issued; or
    - (ii) 24 months, if the applicant is 40 years of age or more on the date that the medical certificate is issued;

### From Civil Aviation Rules Part 1 – Definitions and Abbreviations<sup>6</sup>.

**Air operation** means an air transport operation or a commercial transport operation.

**Air transport operation** means an operation for the carriage of passengers or goods by air for hire or reward except—

- (1) a commercial transport operation; or
- (2) a sightseeing flight or joyride under VFR by day in—
  - (i) a hot air balloon in accordance with Part 91; or
  - (ii) a microlight aircraft in accordance with Part 103; or
  - (iii) a glider in accordance with Part 104; or
  - (iv) a hang glider or paraglider in accordance with Part 106; or

- (3) a helicopter external load operation in accordance with Part 133; or
- (4) an agricultural aircraft operation in accordance with Part 137; or
- (5) a parachute operation in accordance with Part 105:

**Commercial transport operation** means an operation for the carriage of passengers or goods by air for hire or reward—

- (1) where—
  - (i) each passenger is performing, or undergoing training to perform, a task or duty on the operation; or
  - (ii) the passengers or goods are carried to or from a remote aerodrome—
- (2) except those operations in paragraph (1) that are—
  - (i) a sightseeing flight or joyride under VFR by day in—
    - a hot air balloon in accordance with Part 91; or
    - a microlight aircraft in accordance with Part 103; or
    - a glider in accordance with Part 104; or
    - a hang glider or paraglider in accordance with Part 106; or
  - (ii) a helicopter external load operation in accordance with Part 133; or
  - (iii) an agricultural operation in accordance with Part 137; or
  - (iv) a parachute operation in accordance with Part 105:

**Agricultural Aircraft Operation** means the operation of an aircraft, on a single flight, or on a series of flights, including transit flights to and from a treatment area that is within 5 nautical miles of the loading area, for the following purposes:

- (1) dispensing an agricultural chemical;
- (2) dispensing any other substance intended for plant nourishment, soil treatment, propagation of plant life, or pest control;
- (3) engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation;
- (4) dropping farm supplies on farms in rural areas or delivering farm materials to farms in rural areas;
- (5) surveying agricultural, forest, or water areas at a height of less than 500 feet above terrain;
- (6) feeding or transferring livestock on farms in rural areas;
- (7) the reconnaissance of the proposed treatment area for the above types of operation.

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<sup>5</sup> [Civil Aviation Rules Part 67 – Medical Standards and Certification](#)

<sup>6</sup> [Civil Aviation Rules Part 1 – Definitions and Abbreviations](#).

## CAA Medical Help

Tel: +64-4-560 9466 Fax: +64-4-560 9470  
Email: [med@caa.govt.nz](mailto:med@caa.govt.nz) web site: [www.caa.govt.nz](http://www.caa.govt.nz)