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Civil Aviation Amendment Regulations 2003 (No. 6)¹

Statutory Rules 2003 No. $\frac{6}{2}$

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I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Civil Aviation Act 1988*.

Dated 27 AUG 2003 2003

P.M. Jeffery
Governor-General

By His Excellency's Command

JOHN ANDERSON
Minister for Transport and Regional Services

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1 Name of Regulations

These Regulations are the *Civil Aviation Amendment Regulations 2003 (No. /)*.

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2 Commencement

These Regulations commence on gazettal.

3 Amendment of *Civil Aviation Safety Regulations 1998*

Schedule 1 amends the *Civil Aviation Safety Regulations 1998*.

4 Amendment of *Civil Aviation Regulations 1988*

Schedule 2 amends the *Civil Aviation Regulations 1988*.

Schedule 1 **Amendments of Civil Aviation Safety Regulations 1998**

(regulation 3)

[1] **Part 67**
substitute

Part 67 Medical

Subpart 67.A General

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67.005 Applicability

This Part:

- (a) provides for the appointment of appropriately qualified persons as DAMEs or DAOs and for the cancellation of such appointments; and
- (b) sets out procedures under which CASA may make declarations that particular persons, or persons who hold or perform the duties of certain positions or offices, are to be taken to be DAMEs or DAOs; and
- (c) sets out the medical standards for the issue of medical certificates; and
- (d) provides for the issue and administrative control of medical certificates.

67.010 Definitions for this Part

- (1) In this Part:

clinical psychologist means a person who:

- (a) is registered or licensed as a clinical psychologist under a law of a State or Territory of Australia; or

- (b) in the case of a psychologist practising as a clinical psychologist in a country other than Australia — has other qualifications in clinical psychology acceptable to CASA.

Designated Aviation Medical Examiner's Handbook means the document called 'Designated Aviation Medical Examiner's Handbook' published by CASA, as in force from time to time.

Note The Designated Aviation Medical Examiner's Handbook is available from CASA's website at:

<http://www.casa.gov.au/manuals/htm/dame/dame.htm>.

medically significant condition includes:

- (a) any of the following (no matter how minor):
- (i) any illness or injury;
 - (ii) any bodily infirmity, defect or incapacity;
 - (iii) any mental infirmity, defect or incapacity;
 - (iv) any sequela of an illness, injury, infirmity, defect or incapacity mentioned in subparagraph (i), (ii) or (iii); and
- (b) any abnormal psychological state; and
- (c) drug addiction and drug dependence; and
- (d) for a woman — pregnancy and the physiological and psychological consequences of pregnancy or of termination of pregnancy.

medical practitioner means a person entitled to practise as a medical practitioner under a law of a State or Territory or under a law of a Contracting State.

medical standard 1 means the standard set out in table 67.150.

medical standard 2 means the standard set out in table 67.155.

medical standard 3 means the standard set out in table 67.160.

relevant examination means an examination or test of, or in relation to, a person for the purpose of finding out whether the person meets the relevant medical standard for the issue to him or her of a medical certificate.

relevant medical standard means:

- (a) for a class 1 medical certificate — medical standard 1; and
- (b) for a class 2 medical certificate — medical standard 2; and
- (c) for a class 3 medical certificate — medical standard 3.

specialist medical practitioner means a medical practitioner who has:

- (a) postgraduate qualifications in a recognised medical specialty entitling him or her to be recognised as a specialist medical practitioner by the Health Insurance Commission or by the public hospital service or public health service of a State or Territory of Australia; or
- (b) in the case of a medical practitioner practising in a country other than Australia — other postgraduate qualifications in the specialty acceptable to CASA.

specialist psychiatrist means a medical practitioner who has:

- (a) postgraduate qualifications in psychiatry entitling him or her to be recognised as a specialist psychiatrist by the Health Insurance Commission or by the public hospital service or public health service of a State or Territory of Australia; or
- (b) in the case of a psychiatrist practising in a country other than Australia — other postgraduate qualifications in psychiatry acceptable to CASA.

- (2) In this Part, a mention of a medically significant condition (other than pregnancy, a consequence of pregnancy or the termination of a pregnancy) includes both such a condition that is congenital and one that is the result of injury or illness.

67.015 Meaning of *safety-relevant*

For the purposes of this Part, a medically significant condition is ***safety-relevant*** if it reduces, or is likely to reduce, the ability of someone who has it to exercise a privilege conferred or to be conferred, or perform a duty imposed or to be imposed, by a licence that he or she holds or has applied for.

67.020 Extended meaning of *convicted of an offence*

- (1) In this Part, ***convicted of an offence*** has, in addition to its ordinary meaning, the meaning set out in subregulation (2).

- (2) For this Part, a person is taken to have been ***convicted of an offence*** if:
- (a) he or she is found guilty of the offence but is discharged without a conviction being recorded; or
 - (b) with his or her consent, the offence is taken into account in sentencing him or her for another offence.

Subpart 67.B Designated aviation medical examiners and designated aviation ophthalmologists

67.025 Application for appointment as DAME or DAO

- (1) A medical practitioner may apply to CASA for appointment as a DAME or DAO for the purposes of this Part.
- (2) An application must be in the approved form and must be accompanied by copies of the following documents:
 - (a) the certificate of the applicant's registration as a medical practitioner in the State or Territory of Australia, or the Contracting State, in which he or she proposes to function as a DAME or DAO;
 - (b) if the applicant is applying for appointment as a DAME — either:
 - (i) a certificate as to his or her successful completion of a course in aviation medicine approved by CASA; or
 - (ii) documents that are evidence of his or her demonstrated competence in aviation medicine;
 - (c) if the applicant is applying for appointment as a DAO — documents that are evidence that:
 - (i) he or she is a Fellow of the Royal Australian College of Ophthalmologists or has postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Health Insurance Commission or by the public hospital service or public health service of a State or Territory of Australia; or
 - (ii) if the applicant is practising in a country other than Australia — he or she has postgraduate

qualifications in ophthalmology that are acceptable to CASA.

Note The documents 'Conditions of Appointment for DAMEs' and 'Conditions of Appointment for DAOs' (part of the application form for an appointment as a DAME or DAO) are available from CASA's website at: <http://www.casa.gov.au/manuals/regulate/dame/form755.pdf>.

- (3) If the applicant has previously been appointed as a DAME or DAO, and the previous appointment was cancelled, the applicant must include with the application any available evidence to show that the applicant could now properly exercise the powers or perform the functions of the appointment sought.

67.030 More information for application

- (1) If CASA needs more information or another document to allow it to consider an application for appointment as a DAME or DAO, CASA may by written notice ask the applicant to give to it the information, document or copy of the document, specified in the notice.
- (2) The notice must include a statement to the effect that the application will be taken to be withdrawn if the information or document is not given to CASA within 1 month or any further time allowed by CASA under paragraph (3) (b).
- (3) The applicant must give to CASA the information or document:
 - (a) within 1 month after the date of the notice; or
 - (b) if the applicant asks CASA for an extension of time before the end of the month and CASA extends the time within which the applicant must give the information — before the end of the extended period.
- (4) If the applicant does not comply with subregulation (3), the application is taken to be withdrawn by the applicant.
- (5) If an applicant for appointment as a DAME or DAO is designated in a Contracting State as a medical examiner for subclause 1.2.2.4 of Annex 1, *Personnel Licensing*, to the Chicago Convention, CASA need not consider the application unless the applicant authorises the authority of the Contracting

State that designated the applicant under that subclause to disclose to CASA information about the applicant's performance and competence as a medical examiner.

67.035 Continuation of appointment until application decided

- (1) This regulation applies in relation to an appointment of a DAME or DAO that is granted by CASA for a specified period (the *old appointment*) if:
 - (a) at least 1 month before the time when the old appointment would, but for this regulation cease, its holder applies to CASA under this Subpart for a new appointment that authorises the holder to exercise the same powers or perform the same functions as the old appointment; and
 - (b) at the time when the old appointment would, but for this regulation cease, CASA has not made a decision on the application.
- (2) Despite anything else in these Regulations, but subject to subregulations (3) and (4), the old appointment continues in force until CASA makes a decision on the application.
- (3) If CASA asks for information or a document under subregulation 67.030 (1) and the holder does not provide the information or document within the period mentioned in paragraph 67.030 (3) (a) or any further period allowed by CASA under paragraph 67.030 (3) (b), the old appointment is taken to cease at the end of that period.
- (4) If subregulation 67.030 (5) applies to the holder and the holder has not authorised the authority of the Contracting State concerned to disclose to CASA information about the holder's performance and competence as a medical examiner within 1 month after the date of the application, the old appointment is taken to cease at the end of that period.

67.040 When decision must be made

- (1) Subject to this regulation, if CASA does not make a decision about an application for appointment as a DAME or DAO

within 3 months after receiving it, CASA is taken to have refused the application.

- (2) If CASA asks for information or a document under subregulation 67.030 (1), the time between when CASA asks for the information or document, and when the applicant gives CASA the information or document, does not count towards the period.
- (3) If subregulation 67.030 (5) applies to the applicant, any time between when the applicant submits the application to CASA and when the applicant authorises the authority of the Contracting State concerned to disclose to CASA information about the applicant's performance and competence as a medical examiner, does not count towards the period.

67.045 Appointment of DAMEs

- (1) Subject to this regulation, if a medical practitioner has applied for appointment as a DAME in accordance with this Subpart, CASA must appoint the practitioner as a DAME if:
 - (a) the practitioner is registered in the State or Territory of Australia, or registered or licensed in the Contracting State, in which he or she proposes to function as a DAME; and
 - (b) either he or she:
 - (i) has received training acceptable to CASA in aviation medicine; or
 - (ii) has demonstrated competence in aviation medicine; and
 - (c) appointing the practitioner would not be likely to have an adverse effect on the safety of air navigation.

Note The courses of training generally acceptable are set out in the *Designated Aviation Medical Examiner's Handbook*, available on CASA's website at:

<http://www.casa.gov.au/manuals/htm/dame/damec.htm>.

- (2) An appointment must be in writing.
- (3) If CASA limits in any way the number of appointments that may be made, CASA may refuse to make the appointment if the limit will be exceeded if the appointment is made.

- (4) In deciding whether an appointment would be likely to have an adverse effect on the safety of air navigation, CASA may take into account:
- (a) the practitioner's record of compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety; and
 - (b) the practitioner's experience (if any) in aviation; and
 - (c) the practitioner's knowledge of the regulatory requirements applicable to civil aviation in Australia; and
 - (d) the practitioner's history, if any, of serious behavioural problems; and
 - (e) any evidence held by CASA that the practitioner has contravened:
 - (i) the Act or these Regulations; or
 - (ii) a law of another country relating to aviation safety; or
 - (iii) another law (of Australia or of another country) relating to transport safety.
- (5) In deciding whether to appoint a medical practitioner who has previously been appointed as a DAME and whose previous appointment was cancelled, CASA must take into account:
- (a) the fact of the cancellation; and
 - (b) the reasons for the cancellation given at the time of the cancellation; and
 - (c) any evidence that the practitioner submits about his or her capacity to exercise the powers or carry out the functions that would be conferred by the appointment, if it were made.
- (6) However, in making a decision in relation to a medical practitioner referred to in subregulation (5), CASA is not obliged to reconsider, or inquire into the circumstances of, the cancellation.
- (7) If CASA refuses to appoint a medical practitioner as a DAME, it must tell the practitioner, in writing, of the refusal, and of the reasons for not appointing the practitioner.

Note A refusal is reviewable by the Administrative Appeals Tribunal — see regulation 67.141.

67.050 DAMEs — duration of appointment

An appointment of a person as a DAME remains in force:

- (a) unless it is cancelled or surrendered; or
- (b) if a period (which must not be less than 4 weeks) is specified in the certificate issued to the DAME under regulation 67.085 — until the end of that period unless sooner cancelled or surrendered.

67.055 DAMEs — declaration about holders of position

- (1) CASA may declare, in writing, that the person holding or occupying a particular office or position from time to time, or performing the duties of a particular office or position from time to time, is, subject to subregulation (3), taken to be a DAME.
- (2) CASA may also declare, in writing, that a medical practitioner specified in the declaration is, for the purposes of doing a particular act or thing specified in the declaration, taken to be a DAME.
- (3) A declaration under subregulation (1) has no effect in relation to a person occupying or performing the duties of an office or position if the person is not a medical practitioner.
- (4) Subject to subregulation (5), a declaration under subregulation (1) remains in force:
 - (a) unless it is revoked; or
 - (b) if a period (which must not be less than 4 weeks) is specified in the declaration — until the end of that period unless it is sooner revoked.
- (5) A declaration under subregulation (1) is not in force while it is suspended.

67.060 DAMEs — conditions

- (1) The appointment of a DAME is subject to the following conditions:
- (a) that he or she complies with any requirement of the Designated Aviation Medical Examiner's Handbook that is applicable to him or her;
 - (b) that he or she observes the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time;
 - (c) that he or she undertakes continuing training in aviation medicine according to a course or system specified, or referred to, on the CASA website or otherwise approved by CASA;
 - (d) that, if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), he or she tells CASA of the conviction in writing as soon as practicable.

Note For the extended meaning of **convicted of an offence**, see regulation 67.020.

- (2) A declaration under subregulation 67.055 (1) is subject to the conditions that a person occupying, or performing the duties of, the office or position to which the declaration relates:
- (a) observes, while he or she is acting as a DAME, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time; and
 - (b) if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), tells CASA of the conviction in writing as soon as practicable.
- (3) A declaration under subregulation 67.055 (2) is subject to the condition that the person specified in the declaration observes, while he or she is acting as a DAME, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time.
- (4) CASA may impose a condition, restriction or limitation:

- (a) on an appointment of a DAME in addition to the conditions to which the appointment is subject under subregulation (1); or
 - (b) on a declaration under regulation 67.055 in addition to the conditions to which the declaration is subject under subregulation (2) or (3).
- (5) A condition, restriction or limitation on an appointment of a DAME that is imposed under paragraph (4) (a) must be set out in the certificate issued to the DAME under regulation 67.085.
- (6) A condition, restriction or limitation on a declaration that is imposed under paragraph (4) (b) must be set out in the declaration.

67.065 Appointment of DAOs

- (1) Subject to this regulation, if a medical practitioner has applied for appointment as a DAO in accordance with this Subpart, CASA must appoint the practitioner as a DAO if:
 - (a) the practitioner has the qualifications set out in subregulation (4); and
 - (b) making the appointment would not be likely to have an adverse effect on the safety of air navigation.
- (2) An appointment must be in writing.
- (3) If CASA limits in any way the number of appointments that may be made, CASA may refuse to make the appointment if the limit will be exceeded if the appointment is made.
- (4) The qualifications are:
 - (a) in the case of a practitioner who is an ophthalmologist practising in Australia — being a Fellow of the Royal Australian College of Ophthalmologists or otherwise having postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Health Insurance Commission or by the public hospital service or public health service of a State or Territory of Australia; and
 - (b) in the case of a practitioner who is an ophthalmologist practising in a country other than Australia — having

postgraduate qualifications in ophthalmology that are acceptable to CASA.

- (5) In deciding whether an appointment would be likely to have an adverse effect on the safety of air navigation, CASA may take into account:
- (a) the practitioner's record of compliance with regulatory requirements (in Australia or elsewhere) relating to aviation safety and other transport safety; and
 - (b) the practitioner's experience (if any) in aviation; and
 - (c) the practitioner's knowledge of the regulatory requirements applicable to civil aviation in Australia; and
 - (d) the practitioner's history, if any, of serious behavioural problems; and
 - (e) any evidence held by CASA that the practitioner has contravened:
 - (i) the Act or these Regulations; or
 - (ii) a law of another country relating to aviation safety; or
 - (iii) another law (of Australia or of another country) relating to transport safety.
- (6) In deciding whether to appoint a medical practitioner who has previously been appointed as a DAO and whose previous appointment was cancelled, CASA must take into account:
- (a) the fact of the cancellation; and
 - (b) the reasons for the cancellation given at the time of the cancellation; and
 - (c) any evidence that the practitioner submits about his or her capacity to exercise the powers or carry out the functions that would be conferred by the appointment, if it were made.
- (7) However, in making a decision in relation to a medical practitioner referred to in subregulation (6), CASA is not obliged to reconsider, or inquire into the circumstances of, the cancellation.

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- (8) If CASA refuses to appoint a medical practitioner as a DAO, it must tell the practitioner, in writing, of the refusal, and of the reasons for not appointing the practitioner.

Note A refusal is reviewable by the Administrative Appeals Tribunal — see regulation 67.141.

67.070 DAOs — duration of appointment

An appointment of a person as a DAO remains in force:

- (a) unless it is cancelled or surrendered; or
- (b) if a period (which must not be less than 4 weeks) is specified in the certificate issued to the DAO under regulation 67.085 — until the end of that period unless sooner cancelled or surrendered.

67.075 DAOs — declaration about holders of position

- (1) CASA may declare, in writing, that the person holding or occupying a particular office or position from time to time, or performing the duties of a particular office or position from time to time, is, subject to subregulation (3), taken to be a DAO.
- (2) CASA may also declare, in writing, that a qualified person specified in the declaration is, for the purposes of doing a particular act or thing specified in the declaration, taken to be a DAO.
- (3) A declaration under subregulation (1) has no effect in relation to a person occupying, or performing the duties of, an office or position if:
 - (a) the person is not a Fellow of the Royal Australian College of Ophthalmologists, or does not have postgraduate qualifications in ophthalmology entitling him or her to be recognised as an ophthalmologist by the Health Insurance Commission or by the public hospital service or public health service of a State or Territory of Australia; or
 - (b) in the case of an ophthalmologist practising in a country other than Australia — the person does not have postgraduate qualifications in ophthalmology that are acceptable to CASA.

- (4) Subject to subregulation (5), a declaration under subregulation (1) remains in force:
 - (a) unless it is revoked; or
 - (b) if a period (which must not be less than 4 weeks) is specified in the declaration — until the end of that period unless it is sooner revoked.
- (5) A declaration under subregulation (1) is not in force while it is suspended.
- (6) In this regulation:
qualified person means a person who is a medical practitioner having the qualifications referred to in paragraph 67.065 (4) (a) or (b).

67.080 DAOs — conditions

- (1) The appointment of a DAO is subject to the following conditions:
 - (a) that he or she observes the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time;
 - (b) that he or she undertakes continuing training in ophthalmology according to courses or systems acceptable to CASA;
 - (c) that, if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), he or she tells CASA of the conviction in writing as soon as practicable.

Note For the extended meaning of **convicted of an offence**, see regulation 67.020.

- (2) A DAO who is a Fellow of the Royal Australian College of Ophthalmologists, and undertakes continuing education in ophthalmology according to the requirements of the College, is taken to satisfy the requirement in paragraph (1) (b) as to continuing training in ophthalmology.

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- (3) A declaration under subregulation 67.075 (1) is subject to the conditions that a person occupying, or performing the duties of, the office or position to which the declaration relates:
- (a) observes, while he or she is acting as a DAO, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time; and
 - (b) if he or she is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed), tells CASA of the conviction in writing as soon as practicable.

Note For the extended meaning of **convicted of an offence**, see regulation 67.020.

- (4) A declaration under subregulation 67.075 (2) is subject to the condition that the person specified in the declaration observes, while he or she is acting as a DAO, the Code of Ethics of the Australian Medical Association, as that Code is in effect from time to time.
- (5) CASA may impose a condition, restriction or limitation:
- (a) on an appointment of a DAO in addition to the conditions to which the appointment is subject under subregulation (1); or
 - (b) on a declaration under regulation 67.075 in addition to the conditions to which the declaration is subject under subregulation (3) or (4).
- (6) A condition, restriction or limitation on an appointment of a DAO that is imposed under paragraph (5) (a) must be set out in the certificate issued to the DAO under regulation 67.085.
- (7) A condition, restriction or limitation on a declaration that is imposed under paragraph (5) (b) must be set out in the declaration.

67.085 Certificate of appointment

- (1) If CASA appoints a medical practitioner as a DAME under regulation 67.045 or as a DAO under regulation 67.065, it must issue to the practitioner a certificate setting out:
- (a) what the appointment is; and

- (b) the practitioner's name and business address; and
 - (c) any expiry date of the appointment (if not sooner cancelled or surrendered); and
 - (d) any conditions, restrictions or limitations of the appointment imposed under paragraph 67.060 (4) (a) or 67.080 (5) (a); and
 - (e) any other information CASA thinks should be included.
- (2) CASA may issue a replacement certificate in place of one that contains anything that is not, or is no longer, correct or has been lost or destroyed.

67.090 Release of information about performance of DAMEs or DAOs

- (1) CASA may disclose, to an authority referred to in subregulation (3), information about the performance and competence as a medical examiner of a person who:
- (a) is a DAME or a DAO; or
 - (b) is performing or has performed the duties of a position referred to in a declaration under subregulation 67.055 (1) or 67.075 (1).
- (2) Despite subregulation (1), CASA may only disclose to the authority the information if CASA has taken all reasonable steps to ensure that that authority has given appropriate undertakings:
- (a) for protecting the confidentiality of the information; and
 - (b) for ensuring that it is used only for the purpose of assessing the performance and competence of the person as a medical examiner.
- (3) The authority is the authority of a Contracting State that designates medical examiners for that State for subclause 1.2.2.4 of Annex 1, *Personnel Licensing*, to the Chicago Convention, being an authority:
- (a) that has designated the person for that subclause; or
 - (b) to which the person has applied to be so designated.

Note Medical practitioners who apply to CASA for appointment as DAMEs or DAOs and persons occupying, or performing the duties of, an

office or position to which a declaration under subregulation 67.055 (1) or 67.075 (1) relates are notified by CASA about the effect of regulation 67.090.

67.095 DAMEs and DAOs — cancellation or surrender of appointment

- (1) CASA may cancel a person's appointment as a DAME or DAO if there are reasonable grounds for believing that the person:
 - (a) has contravened a condition to which his or her appointment is subject; or
 - (b) has contravened regulation 67.125 or subregulation 67.170 (1); or
 - (c) does not meet, or does not continue to meet, a requirement of, or imposed under, this Subpart for getting or holding the appointment.
- (2) Before cancelling the appointment of a person as a DAME or DAO under subregulation (1), CASA:
 - (a) must give to the person a show cause notice that:
 - (i) sets out the matters that might constitute grounds for cancellation; and
 - (ii) invites the person, within a reasonable time stated in the notice, to make representations explaining why his or her appointment should not be cancelled; and
 - (b) must take into account any written representations that the person makes within the period stated in the notice.
- (3) If CASA cancels the appointment of a person as a DAME or DAO under subregulation (1), CASA must give the person written notice of the cancellation, setting out the grounds for the cancellation.

Note A decision by CASA to cancel a DAME's or DAO's appointment is reviewable by the Administrative Appeals Tribunal — see regulation 67.141.
- (4) A DAME or DAO may, by written notice to CASA, surrender his or her appointment.
- (5) If a DAME or DAO surrenders his or her appointment under subregulation (4), the appointment stops having effect on the

day when the notice of surrender is given to CASA, or if a later day is specified in the notice, on the later day.

67.100 DAMEs and DAOs — automatic suspension and cancellation after criminal conviction

- (1) This regulation applies to a person appointed as a DAME or DAO who is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed).

Note 1 For the extended meaning of *convicted of an offence*, see regulation 67.020.

Note 2 This regulation operates subject to the provisions of Part VIIC of the *Crimes Act 1914*.

- (2) The person's appointment is taken to be suspended at the time of the conviction.
- (3) The person's appointment is taken to be cancelled:
- (a) if he or she appeals against the conviction and the appeal is dismissed — at the time the appeal is dismissed; or
 - (b) if he or she does not appeal against the conviction — on the last day for lodging such an appeal.

67.105 DAMEs — automatic cancellation on ceasing to be medical practitioner

- (1) Subject to subregulation (2), this regulation applies to a person appointed as a DAME who ceases to be a medical practitioner.
- (2) This regulation does not apply to a person who is registered or licensed as a medical practitioner in a country other than Australia, and registered as a medical practitioner in a State or Territory of Australia, if he or she ceases to be registered or licensed as a medical practitioner in the other country.
- (3) The person's appointment is taken to be cancelled at the time he or she ceases to be registered or licensed as a medical practitioner.

67.110 DAOs — automatic cancellation on ceasing to be medical practitioner or ophthalmologist

- (1) Subject to subregulation (2), this regulation applies to a person appointed as a DAO who ceases to be a medical practitioner or specialist ophthalmologist.
- (2) This regulation does not apply to a person who is registered or licensed as a medical practitioner in a country other than Australia and registered as a medical practitioner in a State or Territory of Australia if he or she ceases to be registered or licensed as a medical practitioner in the other country.
- (3) The person's appointment is taken to be cancelled:
 - (a) at the time he or she ceases to be a specialist ophthalmologist; or
 - (b) if he or she ceases to be registered or licensed as a medical practitioner — at the time he or she so ceases.

67.115 Suspension of declaration under subregulation 67.055 (1) or 67.075 (1)

- (1) If the occupant or holder of an office or position specified in a declaration made under subregulation 67.055 (1) or 67.075 (1):
 - (a) is convicted of an offence punishable by imprisonment for 12 months or longer (whether or not such a sentence is actually imposed); or
 - (b) fails to comply with a condition of the declaration;
CASA may direct, by written notice to the body or organisation of which the office or position forms part, that the declaration is taken not to have effect while that person holds or performs the duties of the office or position.

Note For the extended meaning of *convicted of an offence*, see regulation 67.020.
- (2) Before giving such a direction for the reason mentioned in paragraph (1) (b), CASA must give to the organisation:
 - (a) written notice of the matters that might constitute grounds for the suspension of the declaration; and
 - (b) a reasonable opportunity to make representations explaining why the declaration should not be suspended.

- (3) If CASA suspends the declaration for the reason mentioned in paragraph (1) (b), the notice of suspension must set out the grounds for the suspension.

67.120 Revocation of declaration on request

- (1) CASA may revoke a declaration made under subregulation 67.055 (1) or 67.075 (2) in respect of a particular office or position by written notice to the body or organisation of which the office or position forms part if there are reasonable grounds for believing that:
- (a) a fact or circumstance exists that, had it existed and been known to CASA at the time the declaration was made, is likely to have resulted in the declaration not being made; or
 - (b) continuing the particular office or position to be declared would be likely to have an adverse effect on the safety of air navigation.
- (2) Before revoking a declaration made under subregulation 67.055 (1) or 67.075 (2) in respect of a particular office or position, CASA must give to the body or organisation of which the office forms part:
- (a) written notice of the matters that might constitute grounds for the revocation of the declaration; and
 - (b) a reasonable opportunity to make representations explaining why the declaration should not be revoked.
- (3) Despite anything else in this Part, CASA must revoke a declaration made under subregulation 67.055 (1) or 67.075 (1) if the organisation or body of which the office or position specified in it forms part asks CASA in writing to revoke the declaration.

67.125 Obligation to report

If the holder of a medical certificate tells a DAME or DAO about a medical condition that is safety-relevant, the DAME or DAO must inform CASA of the condition within 5 working days.

67.130 Surrender of certificate of appointment

- (1) CASA may require, by written notice, a DAME or DAO to surrender any certificate or replacement certificate issued to the person under regulation 67.085 within a reasonable time specified in the notice.

- (2) The DAME or DAO must comply with the requirement.

Penalty: 5 penalty units.

- (3) A person who fails to comply with subregulation (2) is guilty of an offence in respect of each day during which the person refuses or fails to comply with the requirement, including the day of any conviction for such an offence.

- (4) A person must not destroy, mutilate or deface a certificate that he or she is required to surrender to CASA under subregulation (1) with intent to evade the obligation to comply with the requirement.

Penalty: 10 penalty units.

67.135 Return of certificate if appointment cancelled or surrendered

- (1) A person who ceases to be a DAME or DAO must return any certificate or replacement certificate issued to the person under regulation 67.085 within 14 days after ceasing to be a DAME or DAO.

Penalty: 1 penalty unit.

- (2) Subregulation (1) does not prevent CASA from returning the certificate or replacement certificate to the person if CASA first defaces it.

67.140 Indemnification of medical reporting

- (1) In this regulation:

indemnified act means any of the following acts:

- (a) advising CASA that a person does not meet a relevant medical standard;

- (b) expressing to CASA, whether in writing or otherwise, an opinion that a person whom the practitioner has examined or treated may not be competent or medically fit to undertake a duty or exercise a privilege under a licence that the person holds or has applied for, because of:
 - (i) illness or bodily or mental infirmity, defect or incapacity suffered by the person; or
 - (ii) the effect on the person of treatment for any illness, infirmity, defect or incapacity;
 - (c) stating to CASA, whether in writing or otherwise:
 - (i) the nature of a person's illness, infirmity, defect or incapacity; or
 - (ii) the effect on a person of treatment for any illness, infirmity, defect or incapacity.
- (2) A DAME or DAO is not subject to any civil or criminal liability for doing an indemnified act in good faith in the course of carrying out his or her functions under this Part.
- (3) A person to whom, or an organisation to which, subregulation (4) applies is not subject to any civil or criminal liability for doing an indemnified act in good faith in the course of answering any question put to the person or organisation by CASA:
- (a) that concerns a person who has applied for, or holds, a medical certificate; and
 - (b) that is relevant to any action CASA may take under this Part.
- (4) This subregulation applies to:
- (a) a medical practitioner; and
 - (b) a specialist psychiatrist or clinical psychologist; and
 - (c) a person, organisation, body or authority referred to in paragraph 67.180 (6) (b), (c), (d) or (e) or 67.225 (6) (b), (c), (d) or (e); and
 - (d) a person, organisation, body or authority acting on behalf of a person, organisation, body or authority referred to in paragraph (c).

67.141 Review of decisions

Application may be made to the Administrative Appeals Tribunal for review of a decision under this Subpart:

- (a) to refuse to appoint a person as a DAME or DAO; or
- (b) to impose a condition, restriction or limitation on the appointment of a person as a DAME under paragraph 67.060 (4) (a); or
- (c) to impose a condition, restriction or limitation on the appointment of a person as a DAO under paragraph 67.080 (5) (a); or
- (d) to cancel, for a reason mentioned in subregulation 67.095 (1), the appointment of a person as a DAME or DAO.

Subpart 67.C Medical certificates**67.145 Kinds of medical certificate**

There are 3 classes of medical certificate, as follows:

- (a) class 1 medical certificate;
- (b) class 2 medical certificate;
- (c) class 3 medical certificate.

67.150 Who meets medical standard 1

- (1) Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.150 meets medical standard 1.
- (2) A person may use contact lenses to meet the criterion in item 1.35 of table 67.150 if the lenses are monofocal and not tinted, and are well tolerated.
- (3) A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.
- (4) A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 1.35 of table 67.150 until he or she is free of safety-relevant sequelae of the surgery.

-
- (5) A person who requires both near correction and distant correction to meet the criteria in items 1.35 and 1.36 of table 67.150 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.
- (6) A person must demonstrate that he or she meets the criterion in item 1.39 of table 67.150 by:
- (a) in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors; or
 - (b) for somebody who makes more than 2 errors in a test mentioned in paragraph (a), readily identifying aviation coloured lights displayed by means of a Farnsworth colour-perception lantern, making:
 - (i) no errors on 1 run of 9 pairs of lights; or
 - (ii) no more than 2 errors on a sequence of 2 runs of 9 pairs of lights; or
 - (c) for somebody who does not satisfy paragraph (a) or (b), correctly identifying all relevant coloured lights in a test, determined by CASA, that simulates an operational situation.
- (7) If a change is made to a criterion in an item of table 67.150, a person who held a class 1 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.

Note Under Annex 1, *Personnel Licensing*, to the Chicago Convention, medical standard 1 applies to holders of, or applicants for, licences of the following kinds:

- commercial pilot licence (aeroplane or helicopter)
- airline transport pilot licence (aeroplane or helicopter)
- flight navigator
- flight engineer.

Table 67.150 Criteria for medical standard 1

Item	Criterion
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Abnormalities, disabilities and functional capacity

- | | |
|-----|--|
| 1.1 | Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity or a risk of incapacitation: <ul style="list-style-type: none"> (a) an abnormality; (b) a disability or disease (active or latent); (c) an injury; (d) a sequela of an accident or a surgical operation |
| 1.2 | Has no physical conditions or limitations that are safety-relevant |
| 1.3 | Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant |

Mental fitness

- | | |
|-----|---|
| 1.4 | Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant: <ul style="list-style-type: none"> (a) psychosis; (b) significant personality disorder; (c) significant mental abnormality or neurosis |
| 1.5 | Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention) |
| 1.6 | If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention): <ul style="list-style-type: none"> (a) the person's abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and (b) the person is not suffering from any safety-relevant sequelae resulting from the person's use of the substance; and |

Item	Criterion
	(c) the person provides evidence that the person is undertaking, or has successfully completed, an approved course of therapy
	<i>Note</i> In Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention, 'Problematic use of substances' is defined as follows: 'The use of one or more psychoactive substances by aviation personnel in a way that: a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or b) causes or worsens an occupational, social, mental or physical problem or disorder.'
	'Psychoactive substances' is there defined as 'Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.'
	<i>Nervous system</i>
1.7	Has no established medical history or clinical diagnosis of: (a) a safety-relevant disease of the nervous system; or (b) epilepsy; or (c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur
1.8	Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure
	<i>Cardiovascular system</i>
1.9	Has no safety-relevant heart abnormality
1.10	Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner's Handbook (even if approved drugs are used to maintain the blood pressure within those limits)
1.11	Has no significant functional or structural abnormality of the circulatory tree
	<i>Respiratory system</i>
1.12	Is not suffering from a safety-relevant condition of the respiratory system
1.13	Has full and free respiratory function without the use of drugs (other than drugs approved by CASA for this item) that act on the respiratory organs

Item	Criterion
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Alimentary system and metabolic disorders

- | | |
|------|---|
| 1.14 | Is not suffering from any safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae |
| 1.15 | Is not suffering from any safety-relevant metabolic, nutritional or endocrine disorders |
| 1.16 | If suffering from diabetes mellitus — the diabetes is satisfactorily controlled without the use of any anti-diabetic drug |

Reticulo-endothelial system

- | | |
|------|---|
| 1.17 | Is not suffering from an enlargement of the spleen that causes a significant displacement below the costal margin |
| 1.18 | Is not suffering from a safety-relevant condition of any of the following kinds: <ul style="list-style-type: none"> (a) localised or generalised enlargement of the lymphatic nodes; (b) a disease of the blood; (c) an immune deficiency disorder |

Genito-urinary system

- | | |
|------|---|
| 1.19 | Is not suffering from any safety-relevant disease of the genito-urinary system |
| 1.20 | Has no safety-relevant sequelae of disease or surgical procedures on the kidneys or urinary tract |
| 1.21 | Kidneys and urinary tract are free of significant obstructions |
| 1.22 | If there is any personal history of syphilis — provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection |

Gynaecological and obstetrical

- | | |
|------|--|
| 1.23 | Does not suffer from safety-relevant menstrual disturbances |
| 1.24 | If pregnant — the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for |

Note See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence.

Item	Criterion
<i>Skeletal system</i>	
1.25	Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons
1.26	Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons
<i>Ear, nose and throat</i>	
1.27	Is not suffering from: <ul style="list-style-type: none"> (a) active pathological processes of the internal ear or of the middle ear; or (b) permanent obstructions of the Eustachian tubes; or (c) permanent disturbances of the vestibular apparatus
1.28	Has no safety-relevant condition of the buccal cavity or the upper respiratory tract
<i>Hearing requirements</i>	
1.29	Is not suffering from any safety-relevant hearing defect
1.30	If suffering from a hearing loss (measured in a quiet room using a properly calibrated, compensated audiometer) in either ear of more than: <ul style="list-style-type: none"> (a) 35 dB at any of the frequencies of 500 Hz, 1 000 Hz or 2 000 Hz; or (b) 50 dB at 3 000 Hz — passes a speech discrimination test, or an operational check, carried out by an approved person in an aircraft of similar ambient noise level to that in which the person being tested is or will be operationally involved
<i>Visual requirements</i>	
1.31	Eyes and their adnexae function normally
1.32	Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma
1.33	Has normal fields of vision
1.34	Has normal binocular vision
1.35	Has a distant visual acuity of 6/9 or better in each eye separately and 6/6 or better binocular (with or without correcting lenses)

Item	Criterion
1.36	Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre
	<i>Note</i> A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence — see regulation 67.200.
1.37	Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses)
1.38	If using contact lenses to meet the visual standards set out in items 1.31 to 1.37: <ol style="list-style-type: none"> is able to wear those lenses for twice the projected length of flight time or duty time for the person without deterioration in visual acuity or discomfort; and if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly

Colour perception

1.39	Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence
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Note For how to demonstrate this, see subregulation 67.150 (6).

67.155 Who meets medical standard 2

- (1) Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.155 meets medical standard 2.
- (2) A person may use contact lenses to meet the criterion in item 2.35 of table 67.155 if the lenses are monofocal and not tinted, and are well tolerated.
- (3) A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.
- (4) A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 2.35 of table 67.155 until he or she is free of safety-relevant sequelae of the surgery.

- (5) A person who requires both near correction and distant correction to meet the criteria in items 2.35 and 2.36 of table 67.155 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.
- (6) A person must demonstrate that he or she meets the criterion in item 2.39 of table 67.155 by:
- (a) in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors; or
 - (b) for somebody who makes more than 2 errors in a test mentioned in paragraph (a), readily identifying aviation coloured lights displayed by means of a Farnsworth colour-perception lantern, making:
 - (i) no errors on 1 run of 9 pairs of lights; or
 - (ii) no more than 2 errors on a sequence of 2 runs of 9 pairs of lights; or
 - (c) for somebody who does not satisfy paragraph (a) or (b), correctly identifying all relevant coloured lights in a test, determined by CASA, that simulates an operational situation.
- (7) If a change is made to a criterion in an item of table 67.155, a person who held a class 2 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.

Note Under Annex 1, *Personnel Licensing*, to the Chicago Convention, medical standard 2 applies to holders of, or applicants for, licences of the following kinds:

- private pilot licences (aeroplane or helicopter)
- glider pilot licence
- free balloon pilot licence.

Table 67.155 Criteria for medical standard 2

Item	Criterion
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Abnormalities, disabilities and functional capacity

- | | |
|-----|--|
| 2.1 | Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity or a risk of incapacitation: <ul style="list-style-type: none"> (a) an abnormality; (b) a disability or disease (active or latent); (c) an injury; (d) a sequela of an accident or a surgical operation |
| 2.2 | Has no physical conditions or limitations that are safety-relevant |
| 2.3 | Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant |

Mental fitness

- | | |
|-----|---|
| 2.4 | Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant: <ul style="list-style-type: none"> (a) psychosis; (b) significant personality disorder; (c) significant mental abnormality or neurosis |
| 2.5 | Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention) |
| 2.6 | If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention): <ul style="list-style-type: none"> (a) the person's abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and (b) the person is not suffering from any safety-relevant sequelae resulting from the person's use of the substance; and |

Item	Criterion
	(c) the person provides evidence that the person is undertaking, or has successfully completed, an approved course of therapy
	<i>Note</i> In Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention, 'Problematic use of substances' is defined as follows: 'The use of one or more psychoactive substances by aviation personnel in a way that: a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or b) causes or worsens an occupational, social, mental or physical problem or disorder.'
	'Psychoactive substances' is there defined as 'Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.'
	<i>Nervous system</i>
2.7	Has no established medical history or clinical diagnosis of: (a) a safety-relevant disease of the nervous system; or (b) epilepsy; or (c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur
2.8	Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure
	<i>Cardiovascular system</i>
2.9	Has no safety-relevant heart abnormality
2.10	Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner's Handbook (even if approved drugs are used to maintain the blood pressure within those limits)
2.11	Has no significant functional or structural abnormality of the circulatory tree
	<i>Respiratory system</i>
2.12	Is not suffering from a safety-relevant condition of the respiratory system

Item	Criterion
<i>Alimentary system and metabolic disorders</i>	
2.13	Is not suffering from a safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae
2.14	Is not suffering from safety-relevant metabolic, nutritional or endocrine disorders
2.15	If suffering from diabetes mellitus: <ul style="list-style-type: none"> (a) the condition is satisfactorily controlled without the use of any anti-diabetic drug; or (b) if an oral anti-diabetic drug is used to control the condition: <ul style="list-style-type: none"> (i) the condition is under on-going medical supervision and control; and (ii) the oral drug is approved by CASA
<i>Reticulo-endothelial system</i>	
2.16	Is not suffering from an enlargement of the spleen that causes a significant displacement below the costal margin
2.17	Is not suffering from a safety-relevant condition of any of the following kinds: <ul style="list-style-type: none"> (a) localised or generalised enlargement of the lymphatic nodes; (b) a disease of the blood; (c) an immune deficiency disorder
<i>Genito-urinary system</i>	
2.18	Is not suffering from any safety relevant disease of the genitor-urinary system
2.19	Has no safety-relevant sequelae of disease or surgical procedures on the kidneys or urinary tract
2.20	Kidneys and urinary tract are free of significant obstructions
2.21	If there is any personal history of syphilis — provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection
<i>Gynaecological and obstetrical</i>	
2.22	Does not suffer from safety-relevant menstrual disturbances

Item	Criterion
2.23	If pregnant — the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for <i>Note</i> See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence.
<i>Skeletal system</i>	
2.24	Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons
2.25	Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons
<i>Ear, nose and throat</i>	
2.26	Is not suffering from: (a) active pathological processes of the internal ear or of the middle ear; or (b) permanent obstructions of the Eustachian tubes; or (c) permanent disturbances of the vestibular apparatus
2.27	Has no safety-relevant condition of the buccal cavity or the upper respiratory tract
<i>Hearing</i>	
2.28	Is not suffering from any safety-relevant hearing defect
2.29	With or without a hearing aid, is able to hear with both ears an average conversational voice in a quiet room while at a distance of 2 metres from the examiner, and looking away from the examiner
2.30	For somebody who fails to meet the standard in item 2.29, passes an operational check by an approved person in an aircraft having a similar ambient noise level to that in which the person is or will be operationally involved
<i>Visual requirements</i>	
2.31	Eyes and their adnexae function normally
2.32	Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma
2.33	Has normal fields of vision
2.34	Has normal binocular vision

Item	Criterion
2.35	Has a distant visual acuity of 6/12 or better in each eye separately and 6/9 or better binocular (with or without correcting lenses)
2.36	Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre
	<i>Note</i> A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence — see regulation 67.200.
2.37	Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses)
2.38	If using contact lenses to meet the visual standards set out in items 2.31 to 2.37: <ol style="list-style-type: none"> is able to wear those lenses for twice the projected length of flight time or duty time for the person without deterioration in visual acuity or discomfort; and if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly
	<i>Colour perception</i>
2.39	Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence
	<i>Note</i> For how to demonstrate this, see subregulation 67.155 (6).

67.160 Who meets medical standard 3

- (1) Subject to subregulations (2) to (7), a person who satisfies the criteria in table 67.160 meets medical standard 3.
- (2) A person may use contact lenses to meet the criterion in item 3.33 of table 67.160 if the lenses are monofocal and not tinted, and are well tolerated.
- (3) A person whose visual acuity in either eye is worse than 6/60 must provide a full ophthalmic report to CASA.

- (4) A person who has undergone surgery affecting the refractive status of either eye is taken not to meet the criterion in item 3.33 of table 67.160 until he or she is free of safety-relevant sequelae of the surgery.
- (5) A person who requires both near correction and distant correction to meet the criteria in items 3.33 and 3.34 of table 67.160 must demonstrate that 1 pair of spectacles is sufficient to meet both requirements for correction.
- (6) If a person applies for a class 3 medical certificate, the person must demonstrate that he or she meets the criterion in item 3.37 of table 67.160 by, in daylight, or artificial light of similar luminosity, readily identifying a series of pseudo-isochromatic plates of the Ishihara 24-plate type, making no more than 2 errors.
- (7) If a change is made to a criterion in an item of table 67.160, a person who held a class 3 medical certificate and satisfied the criterion immediately before the change, but fails to satisfy the criterion as changed, is taken to satisfy the criterion for 2 years after the day when the change is made.

Note Under Annex 1, *Personnel Licensing*, to the Chicago Convention, medical standard 3 applies to holders of, or applicants for, air traffic controller licences.

Table 67.160 Criteria for medical standard 3

Item	Criterion
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Abnormalities, disabilities and functional capacity

- | | |
|-----|---|
| 3.1 | Has no safety-relevant condition of any of the following kinds that produces any degree of functional incapacity, or risk of incapacitation: <ol style="list-style-type: none"> (a) an abnormality; (b) a disability or disease (active or latent); (c) an injury; (d) a sequela of an accident or a surgical operation |
| 3.2 | Has no physical conditions or limitations that are safety-relevant |

Item	Criterion
3.3	Is not using any over-the-counter or prescribed medication or drug (including medication or a drug used to treat a disease or medical disorder) that causes the person to experience any side effects likely to affect the person to an extent that is safety-relevant
<i>Mental fitness</i>	
3.4	Has no established medical history or clinical diagnosis of any of the following conditions, to an extent that is safety-relevant: <ul style="list-style-type: none"> (a) psychosis; (b) significant personality disorder; (c) significant mental abnormality or neurosis
3.5	Does not engage in any problematic use of substances (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention)
3.6	If there is any personal history of problematic use of a substance (within the meaning given by section 1.1 of Annex 1, <i>Personnel Licensing</i> , to the Chicago Convention): <ul style="list-style-type: none"> (a) the person's abstinence from problematic use of the substance is certified by an appropriate specialist medical practitioner; and (b) the person is not suffering from any safety-relevant sequelae resulting from the person's use of the substance; and (c) the person provides evidence that the person is undertaking, or has successfully completed, an approved course of therapy
<p><i>Note</i> In Annex 1, <i>Personnel Licensing</i>, to the Chicago Convention, 'Problematic use of substances' is defined as follows:</p> <p>'The use of one or more psychoactive substances by aviation personnel in a way that:</p> <ul style="list-style-type: none"> a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or b) causes or worsens an occupational, social, mental or physical problem or disorder.' <p>'Psychoactive substances' is there defined as 'Alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.'</p> 	

Item	Criterion
<i>Nervous system</i>	
3.7	Has no established medical history or clinical diagnosis of: <ul style="list-style-type: none"> (a) a safety-relevant disease of the nervous system; or (b) epilepsy; or (c) a disturbance of consciousness for which there is no satisfactory medical explanation and which may recur
3.8	Is not suffering from safety-relevant effects of a head injury or neurosurgical procedure
<i>Cardiovascular system</i>	
3.9	Has no safety-relevant heart abnormality
3.10	Systolic and diastolic blood pressures are within limits specified by CASA from time to time in the Designated Aviation Medical Examiner's Handbook (even if approved drugs are used to maintain the blood pressure within those limits)
3.11	Has no significant functional or structural abnormality of the circulatory tree
<i>Respiratory system</i>	
3.12	Is not suffering from a safety-relevant condition of the respiratory system
<i>Alimentary system and metabolic disorders</i>	
3.13	Is not suffering from a safety-relevant defect of the digestive system or its adnexae, nor from any safety-relevant effect of disease or trauma of, or an operation on, the digestive system or its adnexae
3.14	Is not suffering from safety-relevant metabolic, nutritional or endocrine disorders
3.15	If suffering from diabetes mellitus: <ul style="list-style-type: none"> (a) the condition is satisfactorily controlled without the use of any anti-diabetic drug; or (b) if an oral anti-diabetic drug is used to control the condition: <ul style="list-style-type: none"> (i) the condition is under on-going medical supervision and control; and (ii) the oral drug is approved by CASA

Item	Criterion
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Reticulo-endothelial system

- | | |
|------|---|
| 3.16 | Is not suffering from a safety-relevant condition of any of the following kinds: <ul style="list-style-type: none"> (a) localised or generalised enlargement of the lymphatic nodes; (b) a disease of the blood; (c) an immune deficiency disorder |
|------|---|

Genito-urinary system

- | | |
|------|---|
| 3.17 | Is not suffering from any safety relevant disease of the genito-urinary system |
| 3.18 | Has no sequelae of disease or surgical procedures on the kidneys or urinary tract |
| 3.19 | Kidneys and urinary tract are free of significant obstructions |
| 3.20 | If there is any personal history of syphilis — provides evidence that adequate treatment has been completed and that there are no safety-relevant sequelae of the infection |

Gynaecological and obstetrical

- | | |
|------|--|
| 3.21 | Does not suffer from safety-relevant menstrual disturbances |
| 3.22 | If pregnant — the pregnancy is not likely to interfere with the safe exercise of privileges, or performance of duties, under the licence held or applied for |

Note See regulation 67.235 regarding the periods during which a pregnant woman must not exercise the privileges of a licence.

Skeletal system

- | | |
|------|--|
| 3.23 | Is not suffering from safety-relevant active disease of the bones, joints, muscles or tendons |
| 3.24 | Is not suffering from safety-relevant functional sequelae of medically significant conditions of the bones, joints, muscles or tendons |

Ear, nose and throat

- | | |
|------|---|
| 3.25 | Is not suffering from: <ul style="list-style-type: none"> (a) active pathological processes of the internal ear or of the middle ear; or (b) permanent disturbances of the vestibular apparatus |
|------|---|

Item	Criterion
3.26	Has no safety-relevant condition of the buccal cavity or the upper respiratory tract
<i>Hearing requirements</i>	
3.27	Is not suffering from any safety-relevant hearing defect
3.28	If suffering from a hearing loss (measured in a quiet room using a properly calibrated, compensated audiometer) in either ear of more than: <ul style="list-style-type: none"> (a) 35 dB at any of the frequencies of 500 Hz, 1 000 Hz or 2 000 Hz; or (b) 50 dB at 3 000 Hz — passes a speech discrimination test, or an operational check, carried out by an approved person
<i>Visual requirements</i>	
3.29	Eyes and their adnexae function normally
3.30	Is not suffering from any safety-relevant pathological condition (either acute or chronic), nor any sequelae of surgery or trauma
3.31	Has normal binocular vision
3.32	Has normal fields of vision
3.33	Has a distant visual acuity of 6/9 or better in each eye separately and 6/6 or better binocular (with or without correcting lenses)
3.34	Can read (with or without correcting lenses) an N5 chart (or its equivalent) binocularly at a distance that he or she selects (in the range of 30 to 50 centimetres), and can read an N14 chart binocularly (with or without correcting lenses) at a distance of 1 metre
	<i>Note</i> A person who needs correcting lenses to meet this criterion must have the appropriate lenses available while carrying out duties under a relevant licence — see regulation 67.200.
3.35	Has a near point of accommodation no further away than 30 centimetres (with or without correcting lenses)

Item	Criterion
3.36	<p>If using contact lenses to meet the visual standards set out in items 3.29 to 3.35:</p> <ul style="list-style-type: none"> (a) is able to wear those lenses for twice the projected length of duty time for the person without deterioration in visual acuity or discomfort; and (b) if the lenses are of the hard or gas-permeable variety, demonstrates the ability, immediately after removing the lenses, to read at least 6/9 with spectacles binocularly
	<i>Colour perception</i>
3.37	Can readily distinguish the colours that need to be distinguished for the safe exercise of privileges, or performance of duties, under the relevant licence
	<i>Note</i> For how to demonstrate this, see subregulation 67.160 (6).

67.165 Directions about examinations for issue of medical certificates

- (1) If CASA has reason to believe that an applicant for the issue of a medical certificate has a condition (including a condition other than a medical condition) that may, if he or she is issued the medical certificate, endanger the safety of air navigation, CASA may direct the applicant to do either or both of the following:
 - (a) submit to an examination carried out by a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or a practitioner of another kind specified in the direction;
 - (b) submit to an examination or test by a person (not necessarily a medical practitioner) expert in the safe performance of the particular activity in respect of which the medical certificate is sought.
- (2) For paragraph (1)(a), CASA may nominate a particular practitioner, of a kind mentioned or referred to in that paragraph, who is to carry out the examination.

- (3) For paragraph (1) (b), CASA may nominate a particular person who is expert in the safe performance of the activity concerned to carry out the examination.

67.170 Evidence of identity

- (1) If a person submits to a relevant examination by a DAME or DAO, the DAME or DAO must ask the person to produce evidence of his or her identity before finishing the examination.
- (2) The evidence must include a photograph of the person.

Example

The identification might take the form of a passport or any of the following that includes a photograph: a driver's licence, a workplace identification document, a student's identity card.

- (3) However, subregulation (1) does not require the DAME or DAO to ask the person to produce the evidence if the DAME or DAO knows or reasonably believes the person is who the person claims to be.
- (4) If the DAME or DAO has asked the person to produce evidence of his or her identity under subregulation (1), the DAME or DAO may refuse to carry out, or finish, the examination until the person produces the evidence.

67.175 Medical certificates — application

A person may apply to CASA for the issue of a medical certificate.

67.180 Medical certificates — issue and refusal

- (1) Subject to this regulation, on receiving an application under regulation 67.175, CASA must issue a medical certificate to the applicant only if:
- (a) the applicant meets the requirements of subregulation (2); or
 - (b) if subregulation (3) applies to the applicant — CASA is satisfied that issuing the medical certificate to the applicant will not adversely affect the safety of air navigation.

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- (2) For paragraph (1) (a), the requirements are:
- (a) the applicant has undergone any relevant examinations that, in the opinion of CASA, are necessary in the particular case; and
 - (b) each relevant examination has been carried out by an examiner to whom subregulation (4) applies; and
 - (c) for each relevant examination, the applicant answers every question asked by the examiner that the examiner considers necessary to help CASA to decide whether the applicant meets the relevant medical standard; and
 - (d) subject to subregulation (5), the applicant authorises the disclosure to CASA and the examiner of any information about the applicant that may help CASA to decide whether the applicant meets the relevant medical standard, being information that is held by a person, organisation, body or authority referred to in subregulation (6); and
 - (e) either:
 - (i) the applicant meets the relevant medical standard; or
 - (ii) if the applicant does not meet that medical standard — the extent to which he or she does not meet the standard is not likely to endanger the safety of air navigation; and
 - (f) if, in addition to any relevant examinations that the applicant has undergone under paragraph (a), CASA has directed the applicant to undergo an examination under subregulation 67.165 (1):
 - (i) the applicant has undergone that examination; and
 - (ii) having taken into account the result of the examination, CASA is satisfied that issuing a medical certificate to the applicant would not endanger the safety of air navigation.

Note 1 The routine examinations that an applicant for the issue of a medical certificate must undergo to establish whether he or she meets the relevant medical standard for the certificate are those set out in the Designated Aviation Medical Examiner's Handbook.

Note 2 Part VIIC of the *Crimes Act 1914* operates to prevent any requirement to disclose a spent conviction. For details, see that Part.

Note 3 A false statement in relation to the issue of a certificate is an offence punishable by imprisonment for 12 months — see the *Criminal Code*, section 137.1.

Note 4 A person may not meet any of the medical standards if the person has a history of 'problematic use of substances' — see items 1.5 and 1.6 of table 67.150, items 2.5 and 2.6 of table 67.155 and items 3.5 and 3.6 of table 67.160.

Note 5 For the period for which a medical certificate remains in force, see regulation 67.205.

- (3) This subregulation applies to an applicant:
- (a) whose medical certificate (the *old certificate*) has expired; and
 - (b) who:
 - (i) applies to CASA for the issue of a new medical certificate within 3 months after the old certificate expired; and
 - (ii) in the opinion of CASA, is not required to undergo any relevant examinations for the issue of the new certificate.

Note If a medical certificate is issued to an applicant referred to in subregulation (3), the medical certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate — see subregulation 67.205 (4).

- (4) This subregulation applies to the following persons:
- (a) a DAME;
 - (b) a DAO;
 - (c) a specialist medical practitioner, or any other medical practitioner, who CASA has directed may carry out medical examinations for the purposes of subregulation (2);
 - (d) if CASA has directed that the applicant be assessed by a specialist psychiatrist or clinical psychologist — the psychiatrist or psychologist who carried out the assessment;
 - (e) if CASA has directed that the applicant be assessed by an audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist, or similar practitioner — the practitioner who carried out the assessment;

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- (f) if CASA has directed that the applicant be assessed by a person (not necessarily a medical practitioner) expert in the safe performance of the particular activity in respect of which the medical certificate is sought — the person who carried out the assessment.
- (5) An authorisation under paragraph (2) (d) does not require a person, organisation, body or authority to disclose:
- (a) information that was collected for use as evidence in a legal proceeding, and has not been tendered or admitted as evidence in a court; or
 - (b) information that could not, because of Part 3.10 of the *Evidence Act 1995*, be given in evidence in a proceeding to which that Part applies.
- Note* Part 3.10 of the *Evidence Act 1995* is about: client legal privilege; religious confessions; self-incrimination in other proceedings; and evidence excluded in the public interest. For details, see that Act.
- (6) For paragraph (2) (d), the persons, organisations, bodies or authorities are as follows:
- (a) a medical practitioner;
 - (b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the applicant;
 - (c) any other person or organisation (including a hospital) that has treated the applicant for a medically significant condition;
 - (d) an employer (including a former employer) of the applicant;
 - (e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the *Crimes Act 1914*, a court) that holds information of the kind referred to in paragraph (2) (d).
- (7) CASA must not issue a medical certificate to an applicant if it is satisfied that the applicant:
- (a) has knowingly or recklessly made a false or misleading statement in relation to the application for the medical certificate; or
 - (b) does not satisfy the requirements of this regulation; or

- (c) has not, in the course of undergoing a relevant examination for the medical certificate, complied with a request made under subregulation 67.170 (1).
- (8) A medical certificate issued to an applicant who does not meet the relevant medical standard for the issue of the certificate, or to whom subparagraph (2) (f) (ii) applies, must bear a note of that fact.
- (9) The fact that an applicant who does not meet the relevant medical standard in all respects has previously been issued with a medical certificate under subparagraph (2) (e) (ii) or (f) (ii), or a special medical certificate (within the meaning of Part 6 of CAR as in force immediately before the commencement of this regulation), does not automatically entitle him or her to the issue of a further such medical certificate.

67.185 Notice of decision to refuse medical certificate

- (1) If CASA refuses to issue a medical certificate to a person, it must tell the person, in writing, of the refusal, and of:
 - (a) the reasons for not issuing the certificate; and
 - (b) if the reason was that the person failed to meet the relevant medical standard, the respects in which he or she did not meet the standard.
- (2) Failure to comply with subregulation (1) in relation to a decision does not affect the validity of the decision.

67.190 Reconsideration of decision to refuse medical certificate

- (1) A person to whom CASA has refused to issue a medical certificate, or to whom CASA has issued a medical certificate subject to a condition not sought by the person, may apply to CASA in writing for reconsideration of the decision.
- (2) The application must be made within 21 days after the day when the person is told by CASA, in writing, that it:
 - (a) has refused to issue a medical certificate to the person; or

- (b) has issued a medical certificate subject to a condition not sought by the person.
- (3) The reconsideration of an application submitted to CASA must not be carried out solely by the CASA officer who made the decision being reconsidered.

Note A refusal to issue a medical certificate is reviewable by the Administrative Appeals Tribunal — see the Act, section 31 and regulation 201.004.

67.195 Medical certificate — conditions

- (1) CASA may issue a medical certificate to a person subject to any condition that is necessary in the interests of the safety of air navigation, having regard to the medical condition of the person.
- (2) In particular, CASA may issue a medical certificate subject to a condition that the period during which the certificate remains in force may be extended only by CASA.
- (3) A person must not contravene a condition subject to which his or her medical certificate is issued.

Penalty: 50 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.
- (5) A condition to which a medical certificate is subject must be set out in the certificate.

67.200 Conditions applicable to certain medical certificates — correcting lenses

- (1) In addition to any other condition imposed by or under this Part, a medical certificate issued to a person who needs correcting lenses to satisfy the requirements of item 1.36 of table 67.150, item 2.36 of table 67.155 or item 3.34 of table 67.160 is subject to the conditions set out in subregulations (2) and (4).

- (2) The person must have those correcting lenses available for use while exercising the privileges of a licence for which the certificate is required.
- (3) If the person is the holder of, or an applicant for, a licence for which he or she is required to meet medical standard 1 or 2, the correcting lenses may be a pair of spectacles or a combination of contact lenses and a pair of spectacles.
- (4) A person to whom subregulation (3) applies must have within reach, while he or she is performing duties essential to the operation of an Australian aircraft during flight time, a spare pair of spectacles for each pair of correcting lenses that he or she requires to meet the relevant medical standard.
- (5) The holder of a medical certificate that is subject to a condition set out in subregulation (2) or (4) must not contravene the condition.

Penalty: 50 penalty units.
- (6) An offence against subregulation (5) is an offence of strict liability.

67.205 Medical certificates — period in force

- (1) In this regulation:
appropriate day means:
 - (a) for a medical certificate issued to a person who:
 - (i) has never held a medical certificate, or a person who has previously held a medical certificate that has expired; and
 - (ii) has undergone any relevant examinations required for the purpose of the issue of the certificate;
the day when the last relevant examination is completed; and
 - (b) for a new medical certificate issued to a person:
 - (i) who holds a medical certificate that is in force (the *current certificate*); and
 - (ii) who has undergone any relevant examinations required for the purpose of the issue of the new certificate; and

- (iii) whose last relevant examination is completed more than 28 days before his or her current certificate is due to expire;

the day when the examination is completed; and

- (c) for a new medical certificate issued to a person:

- (i) who holds a medical certificate that is in force (the ***current certificate***); and
- (ii) who has undergone any relevant examinations required for the purpose of the issue of the new certificate; and
- (iii) whose last relevant examination is completed 28 or fewer days before his or her current certificate is due to expire;

the day when the current certificate is due to expire.

Examples

1. A person who has never held a medical certificate has an examination for the issue of a medical certificate on 1 January 2003. The appropriate day for the certificate is 1 January 2003.
2. A person who holds a medical certificate that is due to expire on 1 January 2004 has an examination for a new certificate on 1 November 2003. The appropriate day for the new certificate is 1 November 2003.
3. A person who holds a medical certificate that is due to expire on 1 January 2004 has an examination for a new certificate on 20 December 2003. The appropriate day for the new certificate is 1 January 2004.
4. A person who held a medical certificate that expired on 1 January 2003 has an examination for a new certificate on 1 March 2003. The appropriate day for the new certificate is 1 March 2003.

- (2) A medical certificate comes into force:
 - (a) if the holder has undergone any relevant examinations required for the purpose of the issue of the certificate and complies with the relevant medical standard in all respects — on the certificate's appropriate day; or
 - (b) in any other case — on the day when the certificate is issued.

- (3) Subject to subregulation (6) and regulations 67.215 and 67.220, a medical certificate issued by CASA to a person who has undergone any relevant examinations required for the purpose of the issue of the certificate remains in force for the period set out in the certificate, being a period of not more than:
 - (a) in the case of a class 1 medical certificate — 1 year after the day when the certificate comes into force; and
 - (b) in the case of a class 2 medical certificate:
 - (i) if the person is less than 40 years old when the certificate is issued to him or her — 4 years after the day when the certificate comes into force; or
 - (ii) if the person is 40 years old or older when the certificate is issued to him or her — 2 years after the day when the certificate comes into force; and
 - (c) in the case of a class 3 medical certificate — 2 years after the day when the certificate comes into force.
- (4) Subject to subregulation (6) and regulations 67.215 and 67.220, a medical certificate issued by CASA to a person who has not been required to undergo any relevant examinations for the purpose of the issue of the certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate.
- (5) Subject to subregulation (6), a medical certificate issued by a DAME remains in force for the period (which must not be longer than 2 months) set out in the certificate.
- (6) If a new medical certificate is issued to a person who holds a current medical certificate, and the new certificate comes into force before the current certificate is due to expire, the current certificate ceases to be in force at the last moment of the day before the day when the new certificate comes into force.

67.210 Medical certificates — application for extension of period in force

- (1) The holder of a current medical certificate issued by CASA may apply for an extension of the period during which the medical certificate remains in force.

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- (2) The application may be made to:
 - (a) CASA; or
 - (b) if the certificate is not subject to a condition to the effect that the period during which the certificate remains in force may be extended only by CASA — a DAME.

67.215 Medical certificates — extension of period in force by CASA

- (1) If, on receiving an application under regulation 67.210 for an extension of the period during which a current medical certificate remains in force, CASA is satisfied that extending the period will not adversely affect the safety of air navigation, CASA may extend the period by:
 - (a) entering the period of the extension on the certificate; or
 - (b) giving to the holder of the certificate a written notice setting out the period of the extension.
- (2) An extension by CASA of the period during which the certificate remains in force must not be for longer than 1 year after the day when the certificate would expire if the period had not been extended.

67.220 Medical certificates — extension of period in force by DAMEs

- (1) A DAME must, on receiving an application under regulation 67.210 for an extension of the period during which a current medical certificate remains in force:
 - (a) deal with the application in accordance with the Designated Aviation Medical Examiner's Handbook; and
 - (b) extend the period only if the DAME is satisfied that this will not adversely affect the safety of air navigation.
- (2) If the DAME extends the period during which a medical certificate remains in force, the DAME must:
 - (a) enter the period of the extension on the certificate; or
 - (b) give to the holder of the certificate a written notice setting out the period of the extension.
- (3) A medical certificate may be extended by a DAME only once.

- (4) An extension by a DAME of the period during which the certificate remains in force must not be for longer than 2 months after the day when the certificate would expire if the period had not been extended.

67.225 Medical certificates — new medical certificates issued by DAMEs

- (1) A person whose medical certificate has expired may apply to a DAME for the issue of a medical certificate under this regulation if the medical certificate:
 - (a) was issued by CASA; and
 - (b) was not subject to a condition that the period during which the certificate remains in force may be extended only by CASA.
- (2) An application must be made within 3 months after the medical certificate has expired.
- (3) On receiving an application under subregulation (1), a DAME must:
 - (a) deal with it in accordance with the Designated Aviation Medical Examiner's Handbook; and
 - (b) subject to this regulation, issue a new medical certificate to the applicant only if satisfied that:
 - (i) the applicant has, subject to subregulation (5), authorised the disclosure of his or her medical information to the DAME, being information that is held by a person, organisation, body or authority referred to in subregulation (6); and
 - (ii) issuing the medical certificate to the applicant will not adversely affect the safety of air navigation.

Note If a medical certificate is issued to a person by a DAME, the medical certificate remains in force for the period (which must not be longer than 2 months) set out in the certificate — see subregulation 67.205 (5).

- (4) The DAME must not issue a medical certificate to the applicant if the DAME is satisfied that the applicant:
 - (a) has knowingly or recklessly made a false or misleading statement in relation to the application for the medical certificate; or

- (b) does not satisfy the requirements of this regulation; or
 - (c) has not, in the course of undergoing a relevant examination for the medical certificate, complied with a request made under subregulation 67.170 (1).
- (5) An authorisation under subparagraph (3) (b) (i) does not require a person, organisation, body or authority to disclose:
- (a) information that was collected for use as evidence in a legal proceeding, and has not been tendered or admitted as evidence in a court; or
 - (b) information that could not, because of Part 3.10 of the *Evidence Act 1995*, be given in evidence in a proceeding to which that Part applies.

Note Part 3.10 of the *Evidence Act 1995* is about: client legal privilege; religious confessions; self-incrimination in other proceedings; and evidence excluded in the public interest. For details, see that Act.

- (6) For subparagraph (3) (b) (i), the persons, organisations, bodies or authorities are as follows:
- (a) a medical practitioner;
 - (b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the applicant;
 - (c) any other person or organisation (including a hospital) that has treated the applicant for a medically significant condition;
 - (d) an employer (including a former employer) of the applicant;
 - (e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the *Crimes Act 1914*, a court) that holds information of the kind referred to in subparagraph (3) (b) (i).

67.230 CASA may require medical examination of certificate holders

- (1) If it is necessary, in the interests of the safety of air navigation, for the holder of a medical certificate to demonstrate:

- (a) that he or she continues to meet the relevant medical standard; or
- (b) that holding the certificate does not adversely affect the safety of air navigation;

CASA may direct the holder to do any 1 or more of the following:

- (c) submit to an examination carried out by a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or a practitioner of another kind specified in the direction;
 - (d) submit to an examination or test by a person (not necessarily a medical practitioner) expert in the safe performance of the particular activity to which the medical certificate relates;
 - (e) authorise the disclosure to CASA of any information about the holder, held by a person, organisation, body or authority referred to in subregulation (4), that may help CASA to decide whether:
 - (i) the holder continues to meet that medical standard; or
 - (ii) the holder's holding the certificate may adversely affect the safety of air navigation.
- (2) For paragraph (1) (c), CASA may nominate a particular practitioner, of a kind mentioned or referred to in that paragraph, who is to carry out the examination.
 - (3) For paragraph (1) (d), CASA may nominate a particular person who is expert in the performance of the activity concerned to carry out the examination.
 - (4) For paragraph (1) (e), the persons, organisations, bodies and authorities are as follows:
 - (a) a medical practitioner, specialist psychiatrist, clinical psychologist, audiologist, optometrist, orthoptist, orthotist, occupational therapist, specialist prosthetist or similar practitioner who has examined or treated the holder;

- (b) any other person or organisation (including a hospital) that has made a physical, psychological or psychiatric examination of the holder;
- (c) any other person or organisation (including a hospital) that has treated the holder for a medically significant condition;
- (d) an employer (including a former employer) of the holder;
- (e) any other person, organisation, body or authority (including a police force or police service and, subject to Part VIIC of the *Crimes Act 1914*, a court) that holds information relevant to deciding whether the person's holding the certificate may adversely affect the safety of air navigation.

67.235 Suspension of medical certificates — pregnancy

- (1) A medical certificate held by a pregnant woman who holds, or is an applicant for, a licence is taken to be suspended:
 - (a) during the period beginning immediately after the end of the 30th week of gestation and ending when a DAME certifies that she is fully recovered following delivery or the termination of the pregnancy; or
 - (b) if in a particular case CASA directs in writing that a different period should apply — during the period so directed by CASA; or
 - (c) if, before the start of the period mentioned in paragraph (a), the pregnancy ends in miscarriage or premature labour, or is terminated by medical intervention — from the time of the miscarriage, premature labour or intervention until a DAME certifies that the woman is fully recovered.

Note This regulation does not preclude a pilot who is pregnant from undertaking or receiving instruction in a flight simulator at any stage of the pilot's pregnancy.

- (2) Despite subregulation (1), a pregnant woman who holds an air traffic controller licence may continue to exercise the privileges of the licence until the end of the 38th week of gestation if:
 - (a) the medical practitioner who is attending the woman certifies her continued medical fitness to do so each week beginning at the 31st week of gestation; and
 - (b) a DAME certifies the woman's continuing fitness to do so each week beginning at the 31st week of gestation; and
 - (c) another person who holds an air traffic controller licence, and is medically fit and able to take over responsibility for the function, is on duty and available at the times when she does so.

67.240 Medical certificates — suspension pending examination

- (1) If CASA directs the holder of a medical certificate to submit to an examination under regulation 67.230, or to authorise the disclosure of information to CASA under that regulation, CASA may, in writing, suspend the medical certificate.
- (2) If CASA suspends a medical certificate, CASA must give the holder of the certificate written notice of the suspension and of the reasons for the suspension.
- (3) A suspension of a medical certificate takes effect when the holder of the certificate is told of the suspension, either orally or in writing.
- (4) If:
 - (a) CASA suspends a medical certificate; and
 - (b) the holder of the certificate submits to an examination or test directed by CASA, or authorises the disclosure of information to CASA; and
 - (c) the examination, test or information shows that:
 - (i) the holder meets the relevant medical standard; and
 - (ii) the continued holding of the certificate by the holder will not adversely affect the safety of air navigation;CASA must:

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- (d) end the suspension; and
 - (e) tell the holder in writing that the suspension has ended.
- (5) If:
- (a) CASA suspends a medical certificate; and
 - (b) the holder of the certificate submits to an examination or test directed by CASA, or authorises the disclosure of information to CASA; and
 - (c) the examination, test or information shows either or both of the following:
 - (i) the holder fails to meet the relevant medical standard;
 - (ii) the continued holding of the certificate by the holder will adversely affect the safety of air navigation;
- CASA must tell the holder in writing the respect in which the holder does not meet the medical standard.

67.245 Suspension of medical certificates — special arrangements for service in urgent cases

- (1) If there is reason to believe in a particular case that:
 - (a) the holding of a medical certificate by a person may seriously and adversely affect the safety of air navigation; and
 - (b) it is necessary, in the interests of the safety of air navigation, to suspend the certificate immediately; and
 - (c) the person is likely to attempt to evade service on him or her of the notice of suspension;CASA may give the notice to the person in any way by which it is likely to be quickly brought to the person's attention.
- (2) In particular, if no other method of giving the notice is practicable in the circumstances, the notice may be given by fixing it in a prominent position to an aircraft that the person is likely to fly.
- (3) A notice that is fixed to an aircraft is taken to have been given to the person at the time it is fixed to the aircraft.

67.250 Medical certificates — effect of suspension

If CASA suspends a medical certificate, its holder is taken not to be the holder of a medical certificate during the period of the suspension.

67.255 Medical certificates — cancellation if medical standard not met

- (1) If, after undergoing an examination for the purposes of regulation 67.180 or under regulation 67.230, the holder of a medical certificate fails to meet the relevant medical standard for the certificate (or, in the case of a person who did not, at the time the certificate was issued, meet the standard in all respects, fails to meet the standard in an additional respect), CASA must:
 - (a) by written notice given to the holder, cancel the certificate; and
 - (b) if CASA is satisfied that the holding of a medical certificate by the holder will not adversely affect the safety of air navigation — issue to the holder a medical certificate that is subject to any conditions that are necessary in the interests of the safety of air navigation.
- (2) CASA must include in the notice the reasons for the holder's failure to meet the relevant medical standard.

67.260 Medical certificates — cancellation and suspension in other cases

- (1) CASA may, by written notice given to the holder of a medical certificate, cancel the certificate, or suspend it for a specified period, if there are reasonable grounds for believing that the holder:
 - (a) has contravened a condition to which the certificate is subject; or
 - (b) has contravened subregulation 67.265 (3) or (4); or
 - (c) has failed to comply with a direction under regulation 67.230.

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- (2) A notice must set out the grounds for the cancellation or suspension.
 - (3) Before cancelling or suspending a medical certificate, CASA must:
 - (a) give a show cause notice to the holder of the certificate of the facts and circumstances that, in the opinion of CASA, justify consideration being given to the cancellation or suspension of the certificate; and
 - (b) allow the holder to show cause (within the time CASA sets out in that notice, being a period of not less than 14 days after the notice was given), why the certificate should not be cancelled or suspended.

Subpart 67.D Responsibilities of medical certificate holders

67.265 Obligation to tell CASA of changes in medical condition

- (1) In this regulation:
licence means a licence of any of the following kinds:
 - (a) flight crew licence;
 - (b) special pilot licence;
 - (c) flight radiotelephone licence;
 - (d) air traffic controller licence.
- (2) In this regulation, a reference to a DAME includes, in relation to a medically significant condition that affects a person's vision, a DAO.
- (3) If:
 - (a) the holder of a class 1 medical certificate and a licence:
 - (i) knows that he or she has a medically significant condition; and
 - (ii) is reckless as to whether the condition has been disclosed to CASA; and
 - (b) the condition continues for longer than 7 days; and

- (c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;

he or she must tell CASA or a DAME about the condition as soon as practicable after the end of the 7 days.

Penalty: 50 penalty units.

(4) If:

- (a) the holder of a class 2 or class 3 medical certificate and a licence:

- (i) knows that he or she has a medically significant condition; and

- (ii) is reckless as to whether the condition has been disclosed to CASA; and

- (b) the condition continues for longer than 30 days; and

- (c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;

he or she must tell CASA or a DAME about the condition as soon as practicable after the end of the 30 days.

Penalty: 50 penalty units.

(5) If the holder of a medical certificate and a licence:

- (a) knows that he or she has a medically significant condition; and

- (b) is reckless as to whether the condition has been disclosed to CASA; and

- (c) the condition has the result that his or her ability to do an act authorised by the licence is impaired;

he or she must not do the act until a DAME certifies that the holder can safely do such acts.

Penalty: 50 penalty units.

Note If the holder of a medical certificate tells a DAME about a medically significant condition, and the condition is safety-relevant, the DAME must tell CASA in writing of that fact within 5 working days — see regulation 67.125.

- (6) It is a defence to a prosecution under subregulation (5) that, in the circumstances, the relevant act was a reasonable measure to

save life (including the holder's own life) or avoid damage to property.

67.270 Offence — doing act while efficiency impaired

- (1) This regulation applies in relation to a licence of any of the following kinds:
 - (a) flight crew licence;
 - (b) special pilot licence;
 - (c) flight radiotelephone licence;
 - (d) air traffic controller licence.
- (2) The holder of the licence must not do an act authorised by the licence if at the time:
 - (a) he or she knows that he or she has a medically significant condition; and
 - (b) the condition has the result that his or her ability to do the act is impaired.

Penalty: 50 penalty units.

- (3) If the holder's normal ability to do such acts is not fully restored within the period specified in subregulation (4) for the holder's licence, the holder must not do an act authorised by the licence until a DAME gives a certificate to the holder to the effect that the person's ability to do such acts is no longer impaired.

Penalty: 50 penalty units.

- (4) The period is:
 - (a) for a licence for which a class 1 medical certificate is necessary — 7 days; and
 - (b) for a licence of any other kind to which this regulation applies — 30 days.

Note If the holder of a medical certificate tells a DAME or DAO about a medically significant condition, and the condition is safety-relevant, the DAME must tell CASA in writing of that fact within 5 working days — see regulation 67.125.

67.275 Surrender of medical certificates

- (1) CASA may require, by written notice, the holder of a medical certificate to surrender the certificate to CASA within a reasonable time specified in the notice.
- (2) The person must comply with the requirement.
Penalty: 5 penalty units.
- (3) A person who contravenes subregulation (2) is guilty of an offence in respect of each day during which the person refuses or fails to comply with the requirement, including the day of any conviction for such an offence.
- (4) The person must not destroy, mutilate or deface the certificate with intent to evade the obligation to comply with the requirement.

Penalty: 10 penalty units.

[2] Subpart 202.CH

substitute

**Subpart 202.CH Transitional provisions for Part 67
(Medical)****202.360 Medical certificates issued under *Civil Aviation Regulations 1988***

- (1) A medical certificate or special medical certificate issued, before the commencement of this regulation, under Part 6 of CAR, as in force immediately before the commencement of this regulation, continues to have, after that commencement, the same force and effect as it would have had if that Part had continued in force.
- (2) Such a certificate may be suspended or cancelled under Part 67.

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- (3) Subject to subregulation (4), such a certificate expires at the time it would have expired if Part 6 of CAR had continued in force.
 - (4) The period during which such a certificate is in force may be extended under Part 67, but not beyond the end of 1 year after the day when the certificate would expire if the period had not been extended.

202.361 Designated aviation medical examiners appointed under *Civil Aviation Regulations 1988*

- (1) The appointment of a person, before the commencement of this regulation, as a designated aviation medical examiner continues to have effect according to its terms.
- (2) Such an appointment may be cancelled in accordance with Part 67.

202.362 Actions by Director of Aviation Medicine

- (1) In this regulation:
Principal Medical Officer means the officer of CASA occupying, or performing the duties of, the position in CASA of that title, and includes a person who occupied, or performed the duties of, the former position in CASA known as 'Director of Aviation Medicine'.
- (2) An approval given by the Principal Medical Officer, before this regulation commences, for the purposes of a provision of Schedule 1 to CAR, as in force immediately before the commencement of this regulation, continues to have effect according to its terms, on and after the commencement of this regulation, as if CASA had given the approval for the purposes of the corresponding provision of table 67.150, table 67.155 or table 67.160.

202.363 Applications for issue of medical certificates pending

- (1) This regulation applies if:
 - (a) an application under Part 6 of the old regulations for the issue of a medical certificate was pending immediately before the commencement of this regulation; and
 - (b) the application was in accordance with Part 6 as then in force.
- (2) The application is taken, for these Regulations, to be an application for the issue of the medical certificate, made, on the commencement of this regulation, in accordance with Subpart 67.C.
- (3) If an examination required for the issue of the medical certificate under Part 6 of the old regulations had commenced but was not completed before the day when this regulation commences, the examination is taken to have commenced under Subpart 67.C.
- (4) In this regulation:
old regulations means CAR as in force immediately before the commencement of this regulation.

[3] Dictionary, Part 1

*insert the following definitions in the appropriate positions
(determined on a letter-by-letter basis)*

DAME means designated aviation medical examiner.

DAO means designated aviation ophthalmologist.

designated aviation medical examiner means:

- (a) a person appointed as an designated aviation medical examiner under Part 67; or
- (b) a person who holds, or is performing the duties of, a position specified in a declaration under subregulation 67.055 (1); or
- (c) a person specified in a declaration under subregulation 67.055 (2); or
- (d) a person appointed as a designated aviation medical examiner under Part 6 of CAR as in force immediately before the commencement of this regulation.

designated aviation ophthalmologist means:

- (a) a person appointed as a designated aviation ophthalmologist under Part 67; or
- (b) a person who holds, or is performing the duties of, a position specified in a declaration under subregulation 67.075 (1); or
- (c) a person specified in a declaration under subregulation 67.075 (2).

medical certificate means a medical certificate issued under Part 67 and includes a medical certificate (including a special medical certificate) issued under Part 6 of CAR, as in force immediately before the commencement of this regulation.

Schedule 2 Amendments of Civil Aviation Regulations 1988

(regulation 4)

[1] Subregulation 2 (1), definition of *medical certificate*

omit

[2] Subregulation 5.04 (3), note 1

omit

Part 6.

insert

Part 67 of CASR.

[3] Subregulation 5.04 (3), note 2

omit

Schedule 1.

insert

Part 67 of CASR.

[4] Subregulation 5.06 (1), note 1

omit

Part 6.

insert

Part 67 of CASR.

[5] Subregulation 5.06 (1), note 2

omit

Schedule 1.

insert

Part 67 of CASR.

[6] Part 6*omit***[7] Paragraph 297A (1) (r)***omit***[8] Schedule 1***omit***Notes**

1. These Regulations amend (in Schedule 1) Statutory Rules 1998 No. 237, as amended by 1999 Nos. 166 (as amended by 1999 No. 262) and 262; 2000 Nos. 7, 204 (Item [7] of Schedule 2 was disallowed by the Senate on 8 November 2000) and 227; 2001 Nos. 34, 242 and 349 (as amended by 2002 No. 79); 2002 Nos. 167 (as amended by 2003 No. 58), 266, 268, 320, 321, 349 and 350; 2003 Nos. 58, 75 and 189.

These Regulations also amend (in Schedule 2) Statutory Rules 1988 No. 158, as amended by 1988 Nos. 209, 373 and 376; 1989 Nos. 31 and 276; 1990 Nos. 100, 215, 216, 258, 260, 289, 310, 331, 332 and 466; Act No. 25, 1990; Statutory Rules 1991 Nos. 54, 147, 157, 247, 287, 382, 409, 410, 426 and 487 (as amended by 1992 No. 174); 1992 Nos. 36, 174, 254, 258, 279, 325, 342, 380, 417 and 418; 1993 Nos. 221, 268, 319 (new regulation 239 contained in regulation 16 was disallowed by the Senate on 23 March 1994) and 368; 1994 Nos. 93, 173, 187, 188, 260, 294, 382 and 396; 1995 Nos. 122, 147, 148 and 224; 1996 No. 88; 1997 Nos. 23, 67, 111, 139 and 220; 1998 Nos. 31, 32, 219, 234 (disallowed by the Senate on 8 March 1999), 235, 236 and 288; 1999 Nos. 166 (as amended by 1999 No. 262), 167, 210, 229, 262, 353 and 354; 2000 Nos. 8, 204 (items [1], [4] and [5] of Schedule 3 were disallowed by the Senate on 8 November 2000), 205, 227, 261, 294, 295, 296 and 362; Act No. 137, 2000; Statutory Rules 2001 Nos. 348 and 349 (as amended by 2002 No. 79); 2002 Nos. 167 (as amended by 2003 No. 58), 180, 221, 267, 319 and 350; 2003 Nos. 58, 75, 95~~and~~ 189.

2. Notified in the *Commonwealth of Australia Gazette* on 2003.

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