



THE COOK ISLANDS GAZETTE

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67

COOK ISLANDS CIVIL AVIATION ORDINARY RULES

PURSUANT to Section 29 of the Civil Aviation Act 2002

I, Hon. Henry Puna, Minister of Civil Aviation;

HEREBY give Notice of Proposed Rule Making for the following ordinary rules which ordinary rules, when made, shall be in replacement of all of the rules previously made under Gazette Notices.

Signed at Rarotonga this day of June 2018.

Hon. Henry Puna
Minister of Civil Aviation

Civil Aviation Rules

All references to Rules are in reference to the New Zealand Rule of that number.

Cook Island Civil Aviation Rule (CICAR): **Part 1 Definitions and Abbreviations**

Cook Island Civil Aviation Rule (CICAR): **Part 12 Accidents Incidents and Statistics**

Cook Island Civil Aviation Rule (CICAR): **Part 19 Transition Rules**

Cook Island Civil Aviation Rule (CICAR): **Part 21, Certification of Products and Parts**

Cook Island Civil Aviation Rule (CICAR): **Part 26 Additional Airworthiness Requirements**

Cook Island Civil Aviation Rule (CICAR): **Part 39 Airworthiness Directives**

Cook Island Civil Aviation Rule (CICAR): **Part 43 General Maintenance Rules**

Cook Island Civil Aviation Rule (CICAR): **Part 47 Aircraft Registration and Marking**

Cook Island Civil Aviation Rule (CICAR): **Part 61 Pilot licences and Ratings**

Cook Island Civil Aviation Rule (CICAR): **Part 63 Flight Engineer Licences and Ratings**

Cook Island Civil Aviation Rule (CICAR): **Part 65 Air Traffic Services Personnel Licences and Ratings**

Cook Island Civil Aviation Rule (CICAR): **Part 66 Aircraft Maintenance Personnel Licensing**

Cook Island Civil Aviation Rule (CICAR): **Part 67 Medical Standards and Certification**

Cook Island Civil Aviation Rule (CICAR): **Part 71 Designation and Classification of Airspace**

Cook Island Civil Aviation Rule (CICAR): **Part 77 Objects and Activities Affecting Navigable Airspace**

Cook Island Civil Aviation Rule (CICAR): **Part 91, General Operating and Flight Rules**

Cook Island Civil Aviation Rule (CICAR): **Part 92 Carriage of Dangerous Goods**

Cook Island Civil Aviation Rule (CICAR): **Part 93 Special Aerodrome Traffic Rules and Noise Abatement Procedures**

Cook Island Civil Aviation Rule (CICAR): **Part 95 Instrument Flight Procedures - Registration**

Cook Island Civil Aviation Rule (CICAR): **Part 100 Safety Management**

Cook Island Civil Aviation Rule (CICAR): **Part 101 Gyrogliders and Parasails, Unmanned Aircraft (including Balloons), Kites, and Rockets – Operating Rules.**

Cook Island Civil Aviation Rule (CICAR): **Part 102 Unmanned Aircraft Operator Certification**

Cook Island Civil Aviation Rule (CICAR): **Part 103 Microlight Aircraft – Operating Rules**

Cook Island Civil Aviation Rule (CICAR): **Part 104 Gliders – Operating Rules**

Cook Island Civil Aviation Rule (CICAR): **Part 105 Parachuting – Operating Rules**

Cook Island Civil Aviation Rule (CICAR): **Part 106 Hang Gliding – Operating Rules**

Cook Island Civil Aviation Rule (CICAR): **Part 108 Air Operator Security Programme**

Cook Island Civil Aviation Rule (CICAR): **Part 109 Regulated Air Cargo Agent – Certification**

Cook Island Civil Aviation Rule (CICAR): **Part 115 Adventure Aviation, Initial Issue- Certification and Operations**

Cook Island Civil Aviation Rule (CICAR): **Part 119 Air Operator - Certification**

Cook Island Civil Aviation Rule (CICAR): **Part 121 Air Operations – Large Aeroplanes**

Cook Island Civil Aviation Rule (CICAR): **Part 125 Air Operations – Medium Aeroplanes**

Cook Island Civil Aviation Rule (CICAR): **Part 129 Foreign Air Transport Operator - Certification**

Cook Island Civil Aviation Rule (CICAR): **Part 133 Helicopter External Load Operations**

Cook Island Civil Aviation Rule (CICAR): **Part 135 Air Operations - Helicopters and Small Aeroplanes**

Cook Island Civil Aviation Rule (CICAR): **Part 137 Agricultural Aircraft Operations**

Cook Island Civil Aviation Rule (CICAR): **Part 139 Aerodromes – Certification, Operation and Use**

Cook Island Civil Aviation Rule (CICAR): **Part 140 Aviation Security Service Organisation –**

Certification

Cook Island Civil Aviation Rule (CICAR): **Part 141 Aviation Training Organisations – Certification**

Cook Island Civil Aviation Rule (CICAR): **Part 145 Aircraft Maintenance Organisations –**

Certification

Cook Island Civil Aviation Rule (CICAR): **Part 146 Aircraft Design Organisations – Certification**

Cook Island Civil Aviation Rule (CICAR): **Part 147, Maintenance Training Organisations – Certification**

Cook Island Civil Aviation Rule (CICAR): **Part 148, Aircraft Manufacturing Organisations - Certification**

Cook Island Civil Aviation Rule (CICAR): **Part 149, Aviation Recreation Organisations – Certification**

Cook Island Civil Aviation Rule (CICAR): **Part 157 Notice of Construction, Alteration, Activation and Deactivation of Aerodromes**

Cook Island Civil Aviation Rule (CICAR): **Part 171 Aeronautical Telecommunication Services – Operation and Certification**

Cook Island Civil Aviation Rule (CICAR): **Part 172 Air Traffic Services Organisations – Certification**

Cook Island Civil Aviation Rule (CICAR): **Part 173 Instrument Flight Procedure Service Organisation - Certification and Operation.**

Cook Island Civil Aviation Rule (CICAR): **Part 174 Aviation Meteorological Service Organisations - Certification**

Cook Island Civil Aviation Rule (CICAR): **Part 175 Aeronautical Information Service Organisations – Certification**

The modifications to these rules is attached as schedule A

Schedule A to the rules notified for proposed rule making.

The Cook Islands Civil Aviation Rules.

1) Every person shall comply with the applicable standards and requirements, subject to the modifications listed in paragraph (2) of all current and applicable New Zealand Rules.

2) Modifications to the Rules.

The following modifications shall apply to the standards and requirements specified in paragraph (1).

For the purposes of the following, in relation to the Rule referred to in Column A, they shall instead be read as the words stated in Column B, or deleted, or added too as the case may be.

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 1
Definitions and Abbreviations

I, **Hon. Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 1 Definitions and Abbreviations

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 1** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule contains the definitions and abbreviations used to facilitate the interpretation of the Rules set.

Part 1 includes:

- definitions of specific terms used in all the Rule Parts; and
- abbreviations used in all the Rule Parts.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 1 of the New Zealand Civil Aviation Rules (Consolidated version dated 10 March 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Avatiu Port
Avatiu
Rarotonga
Cook Islands

Copies of the amendments to New Zealand Civil Aviation Rules are available from:

- NZCAA web site: <http://www.caa.govt.nz/>

-
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook islands
- Air Rarotonga ltd
- Pacific islands Energy PTE ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day of June 2018

Hon. Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 1

(I) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or “CAA” substitute “Ministry of Transport – Civil Aviation Division of the Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “AIPNZ” substitute “AIPCI”
- For form numbers e.g. “CAA 2101” substitute form numbers e.g. “MOT 2101”
- For “section 9 of the Act” substitute “section 28 of the Act 2002”.

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 1.1 General definitions	
Delete: Aeronautical Information Publication New Zealand	Insert: Aeronautical Information Publication Cook Islands
“Aeronautical Information Publication New Zealand means the AIP for New Zealand published for the Authority by the holder of the AIS certificate for the AIP service:”	“Aeronautical Information Publication Cook Islands means the AIP for the Cook Islands published by the holder, or body contracted by the holder, of the AIS certificate for the AIP service:”
Explanation of Change:	
In the Cook Islands, the holder of the Aeronautical Information Services (AIS) certificate may need to contract outside bodies to provide its NOTAM and AIP services.	
NZCAR 1.1 General definitions	
Delete: Aviation Security Service	Insert: Aviation Security Service
“Aviation Security Service means the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990:”	“Aviation Security Service means the Aviation Security Service established under section 4(b) of the Aviation Security Act 2008:”

Explanation of Change:

The Cook Islands has a separate Act for Aviation Security.

NZCAR 1.1 General definitions**Delete: Director****Insert: Director**

“**Director** means the person who is for the time being the Director of Civil Aviation under section 72I of the Act:”

“**Director** means the person who is for the time being the Director of Civil Aviation under section 8 of the Act:”

Explanation of Change:

The change is to reference the Cook Island legislation.

NZCAR 1.1 General definitions**Delete: Extended over-water operation****Insert: Extended over-water operation**

“**Extended over-water operation** means any aeroplane operation over a planned route that contains a point in excess of 50 nautical miles from shore:”

“**Extended over-water operation** means any aeroplane operation over a planned route that contains a point in excess of 75 nautical miles from shore:”

Explanation of Change:

This Rule is currently in force in the Cook Islands and provides an acceptable level of safety.

NZCAR 1.1 General definitions**Delete: Firearm****Insert: Firearm**

“**Firearm** has the same meaning as in section 11(2) of the Aviation Crimes Act 1972:”

“**Firearm** has the same meaning as in the Arms Ordinance 1954:”

Explanation of Change:

The change is to reference the correct Cook Island legislation.

NZCAR 1.1 General definitions**Delete: ICAO Annex****Insert: ICAO Annex**

“**ICAO Annex** means an Annex to the Convention and unless otherwise specified

“**ICAO Annex** means an Annex to the Chicago Convention and any subsequent

in a rule, includes the amendments in force under section 36 of the Act, but excludes any differences to an Annex as notified by New Zealand.”	amendments.”
Explanation of Change: The change is to reflect a more accurate definition. The NZ definition is not correct.	

NZCAR 1.1 General definitions	
Delete: New Zealand Register of Aircraft	Insert: Cook Islands Register of Aircraft (in the appropriate alphabetical place in the definitions)
“New Zealand Register of Aircraft means the register established under section 73 of the Act.”	“Cook Islands Register of Aircraft means the register established under section 79 of the Act: “
Explanation of Change: The change is to reference the correct section in the Cook Islands legislation.	

NZCAR 1.1 General definitions	
Delete: NOTAM service	Insert: NOTAM service
“NOTAM service means a service for the issue and distribution of NOTAM relevant to air navigation in the New Zealand FIR and in the areas of the Auckland Oceanic FIR in which New Zealand is responsible for air traffic services:”	“NOTAM service means a service for the issue and distribution of NOTAM relevant to air navigation in the areas of the Auckland Oceanic FIR where the Cook Islands has responsibility for air traffic services.”
Explanation of Change: This defines the Cook Islands area of responsibility within the Auckland Oceanic FIR for NOTAM’s.	

NZCAR 1.1 General definitions	
Delete: Security area	Insert: Security area
“Security area means an area that the Director has declared to be a security area under section 84 of the Act.”	“Security area means an area that the Director has declared to be a security area under sections 2 and 9(1) of the Aviation Security Act 2008.”

Explanation of Change:

The change is to reference the Cook Island legislation.

NZCAR 1.1 General definitions

Delete: Security designated aerodrome

Insert: Security designated aerodrome

“**Security designated aerodrome** means an aerodrome for the time being designated as a security aerodrome under section 84 of the Act.”

“**Security designated Aerodrome** means an aerodrome for the time being designated as a security aerodrome under section 10 of the Aviation Security Act 2008.”

Explanation of Change:

The change is to reference the Cook Island legislation.

NZCAR 1.1 General definitions

Delete: Security enhanced area

Insert: Security restricted area

“**Security enhanced area** means an area that the Director has declared to be a security enhanced area under section 84 of the Act”

“**Security restricted area** means an area that the Director has declared to be a restricted area under section 9(2) of the Aviation Security Act 2008”

Explanation of Change:

The change is to reference the Cook Island legislation.

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

NZCAR 1.1 General definitions

Delete: Air operator (3)

Air operator means the holder of -

“(3) an Australian air operator certificate with ANZA privileges.”

Explanation of Change:

Not relevant to the Cook Islands.

NZCAR 1.1 General definitions

Delete: Australian AOC with ANZA privileges; and New Zealand AOC with ANZA privileges

<p>“Australian AOC with ANZA privileges has the same meaning as in section 3(1) of the Civil Aviation Act 1988 (Aust):”</p>
<p>“New Zealand AOC with ANZA privileges has the meaning set out in section 11G of the Act:”</p>
<p>Explanation of Change: Not relevant to the Cook Islands.</p>
<p>NZCAR Part 1.1 General definitions</p>
<p>Delete: Fit and Proper person</p>
<p>“Fit and proper person means a person who satisfies the fit and proper person test specified in the Act:”</p>
<p>Explanation of Change: Fit and Proper person is not defined In the 2002 Act</p>

<p>NZCAR 1.1 General definitions</p>
<p>Delete: Emergency Airworthiness directive</p>
<p>“Emergency Airworthiness directive means an airworthiness directive that is issued by the Director in accordance with section 72I(3C) of the Act:”</p>
<p>Explanation of Change: Emergency airworthiness directives are not provided for in the Act.</p>

<p>NZCAR Part 1.1 General definitions</p>
<p>Delete: General direction</p>
<p>“General direction in relation to Part 67 means a general direction issued by the Director under section 27G of the Act:”</p>
<p>Explanation of Change: General definitions There is nothing in the Act around a General direction and Part 67 is not yet in force in the Cook Islands.</p>

<p>NZCAR Part 1.1 General definitions</p>
<p>Delete: New Zealand Flight Information Region</p>
<p>“New Zealand Flight Information Region means— (1) all that airspace bounded by the arc of a circle of 200 nm radius centred on S 37 00 16.7, E 174 48 49.1, (Auckland VOR/DME) from S 39 07 38.1, E 171 33 21.7, clockwise to S 37 32 29.5, E 178 56 08.9, a line joining S 37 32 29.5, E 178 56 08.9, S 38 27 00.0, W 179 44</p>

00.0, S 42 51 30.0, E 175 03 00.0, S 48 09 00.0, E 168 16 00.0, S 45 55 00.0, E 165 18 00.0, S 41 25 27.0, E 170 23 24.0, the arc of a circle of 200 nm radius centred on S 41 20 14.0, E 174 49 01.1, (Wellington VOR/DME) from S 41 25 27.0, E 170 23 24.0, clockwise to S 39 07 38.1, E 171 33 21.7; with

(2) an upper limit of flight level 999; and

(3) the surface of the earth as the lower limit.”

Explanation of Change:

Does not apply in the region.

NZCAR 1.1 General definitions

Delete: Technical arrangement

“**Technical arrangement** means an arrangement between New Zealand and another State to mutually recognise each State’s aircraft maintenance organisation certification, maintenance standards and documentation, and personnel licences and certificates to allow maintenance performed on aircraft and components in one State to be recognised by the other State in accordance with the terms of the arrangement.”

Explanation of Change:

Not relevant to the Cook Islands. Technical arrangements are not mentioned in the Act.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 137 Original Issue: 17 June 1993
- Amendment 1; 7 October 1993
- Amendment 2; 1 September 1994
- Amendment 3; 30 October 1994

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- Amendment 4; 9 February 1995
 - Amendment 5; 25 May 1995
 - Amendment 6; 14 November 1995
 - Amendment 7; 28 November 1996
 - Amendment 8; 1 April 1997
 - Amendment 9; 25 December 1997
 - Amendment 10; 1 January 1998
 - Amendment 11; 1 January 1998
 - Amendment 12; 23 April 1998
 - Amendment 13; 30 April 1999
 - Amendment 14; 21 October 1999
 - Amendment 15; 21 October 1999
 - Amendment 16; 24 January 2002
 - Amendment 17; 24 January 2002
 - Amendment 18; 24 January 2002
 - Amendment 19; 1 April 2002
 - Amendment 20; 1 July 2002
 - Amendment 21; 1 July 2002
 - Amendment 22; 1 August 2003
 - Amendment 23; 1 August 2003
 - Amendment 24; 12 December 2003
 - Amendment 25; 1 June 2004
 - Amendment 26; 5 August 2004
 - Amendment 27; 25 November 2004
 - Amendment 28; 1 May 2006
 - Amendment 29; 1 January 2006
 - Amendment 30; 11 May 2006
 - Amendment 31; 22 June 2006
 - Amendment 32; 12 October 2006
 - Amendment 33; 1 March 2007
 - Amendment 34; 30 March 2007
 - Amendment 35; 25 October 2007
 - Amendment 36; 22 November 2007
 - Amendment 37; 18 January 2008
 - Amendment 38; 12 June 2008
 - Amendment 39; 9 October 2008
 - Amendment 40; 23 October 2008
 - Amendment 41; 3 December 2009
 - Amendment 42; 25 March 2010

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- Amendment 43; 1 November 2010
 - Amendment 44; 10 November 2011
 - Amendment 45; 6 September 2012
 - Amendment 46; 15 December 2012
 - Amendment 47; 1 April 2014
 - Amendment 48; 1 August 2015
 - Amendment 49; 24 September 2015
 - Amendment 50; 15 April 2016
 - Amendment 51; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Island Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Ministry of Transport form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 12
Accidents, Incidents, and Statistics

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 12 Accidents Incidents and Statistics

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 12** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

The objective of the Rule is to ensure that the Secretary of Transport receives information about accidents and incidents. The information will be analysed to identify any necessary corrective actions with an overall objective of improving aviation safety.

The Rule includes:

- Reporting requirements for accidents
- Reporting requirements for incidents including:
 - Aircraft incidents
 - Aerodrome incidents
 - Airspace incidents
 - Bird incidents
 - Dangerous goods incidents
 - Defect incidents
 - Facility malfunction incidents
 - Promulgated information incidents
 - Security incidents
 - Requirements for the preservation of evidence
 - Statistical returns.

Commencement of Rule into Force

This Rule Part, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 12 of the New Zealand Civil Aviation Rules (Consolidated version dated 30 October 2017) will be attached to this document and physically filed at:

The Ministry of Transport

Avatiu Port

Avatiu

Rarotonga

Cook Islands

Copies of the amendments to the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airports Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airports Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day of June 2018.

Hon. Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 12

(i) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act ”
- For “Regulations” substitute “Regulations made under the Civil Aviation Act 2002”
- For “the Authority “ substitute “the Ministry of Transport”
- For “form CAA” substitute “form MOT”. Cook Island Ministry of Transport form numbers are otherwise identical to New Zealand CAA form numbers.
- For “CAA of NZ” substitute “Ministry of Transport – Civil Aviation Division of the Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”
- For “section 9 of the Act” or “section 9(1)(a)” or “section 9(1)(b)(iii)” substitute “section 28 of the Civil Aviation Act 2002”

NZCAR 12.3 Definitions NZCAR 12.59 Investigation and Reporting NZCAR 12.101 Access to aircraft involved in an accident	
Delete: 12.3 TAIC 12.59 (1) 12.101 (a) and (b)	Insert: 12.59(1) 12.101(a) and (b)
<p>12.3 “TAIC means the Transport Accident Investigation Commission, which is established by section 3 of the Transport Accident Investigation Commission Act 1990.”</p> <p>12.59 (1) “subject to section 14 of the Transport Accident Investigation Commission Act 1990, conduct an investigation to identify the facts relating to its involvement in the incident and establish, so far as those facts allow, the cause or causes of the incident; and”</p> <p>12.101 (a) “Except as provided in the Transport Accident Investigation Commission Act 1990, and paragraphs (b) and (c), no person shall access, interfere with, or remove, an aircraft or its contents that is involved in an accident unless authorised to do so by the Authority.”</p>	<p>12.59 (1) “conduct an investigation to identify the facts relating to its involvement in the incident and establish, so far as those facts allow, the cause or causes of the incident; and”</p> <p>12.101 (a) “Except as provided in paragraphs (b) and (c), no person shall access, interfere with, or remove, an aircraft or its</p>

<p>12.101(b) “Subject to the limitations contained in the Transport Accident Investigation Commission Act 1990, “the Authority may, for the purpose of its investigation access, inspect, secure, or remove, an aircraft or its contents that is involved in an accident”</p>	<p>contents that is involved in an accident unless authorised to do so by the Secretary.”</p> <p>12.101(b) “The Secretary may, for the purpose of its investigation access, inspect, secure, or remove, an aircraft or its contents that is involved in an accident”</p>
<p>Explanation of Change:</p> <p>Reference to New Zealand legislation. The Transport Accident Investigation Commission in New Zealand may be asked to investigate or accident but they are not mandated to do so by legislation in the Cook Islands.</p>	

<p>NZCAR 12.63 Non-prosecution</p>	
<p>Delete: 12.63</p>	<p>Insert 12.63</p>
<p>12.63 “The Authority shall not use or make available for the purpose of prosecution investigation or for prosecution action any information submitted to it by a person under this Part unless—</p> <p>(1) the information reveals an act or omission that caused unnecessary danger to any other person or to any property; or</p> <p>(2) false information is submitted; or</p> <p>(3) the Authority is obliged to release the information pursuant to a statutory requirement or by order of a Court.”</p>	<p>12.63 “The Ministry shall not use or make available for the purpose of prosecution investigation or for prosecution action any information submitted to it by a person under this Part unless—</p> <p>(1) the information reveals an act or omission undertaken with reckless disregard for safety to persons or property; or</p> <p>(2) the Ministry is obliged to release the information pursuant to a statutory requirement or by order of a Court.”</p>
<p>Explanation of Change:</p> <p>The threshold for referral for prosecution has been raised in the interests of assuring providers of information that the Ministry will employ principles of “just culture” in the investigation of incidents and accidents. The removal of the clause around false information allows a person who supplies false information to be prosecuted. If the information supplied is found to be false then it is unlikely that a prosecution on false information would be taken.</p>	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 12 Original Issue ; 1 April 1997
- Amendment 1; 30 April 1999 I added a semicolon here on all points
- Amendment 2; 22 June 2006
- Amendment 2; (corrected version): 22 June 2006
- Amendment 3; 9 October 2008
- Amendment 4; 23 October 2008
- Amendment 5; 25 March 2010
- Amendment 6; 1 November 2010
- Amendment 7; 10 November 2011
- Amendment 8; 1 August 2015
- Amendment 9; 24 September 2015
- Amendment 10; 30 October 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New

Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 172” refers to Part 172 of the Cook Island Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 172).

If no relevant Ministry of Transport form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 19
Transition Rules

I, **Hon Henry Puna** Prime Minister of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 19, Transition Rules

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part incorporates, by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 19** in force as at 18th April **2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

The purpose of the Rule in the New Zealand system was to carry over some rules from earlier repealed Regulations, and also to provide for Rules on the use of GPS equipment on IFR operations.

The Rule also prescribes:

- Ministry powers regarding certain aviation documents
- Prescribed aerodrome meteorological minima and IFR procedures
- Supply organisation approvals
- Security provisions
- Miscellaneous personnel licensing requirements

Commencement of Rule into Force

This Rule Part, as modified below, comes into force on 1st July 2018.

Availability of Rules

A copy of Part 19 of the New Zealand Civil Aviation Rule (Consolidated version dated 10 March 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Avatiu Port
Avatiu
Rarotonga
Cook Islands

Copies of the amendments to the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day of June 2018

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement Part 19

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act ” except In Sub Part G – Security where for “Act” substitute “Airport Security Act 2008”
- For “Regulations” substitute “Regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “form CAA” substitute “form MOT”. Cook Islands Ministry of Transport form numbers are otherwise identical to New Zealand CAA form numbers.
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of the Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”
- For “section 15 of the Act” substitute “section 10 of the 2002 Act”.
- For “section 24 of the Act” substitute “section 18 of the 2002 Act”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 19.207 Primary means GPS operations	
Delete:	Insert:
In 19.207(3) “the New Zealand flight information region,”	In 19.207(3), “the sovereign airspace of the Cook Islands,”
Explanation of Change: Reference to appropriate flight information region or part thereof is required.	
NZCAR 19.209 Sole means GPS operations	
Delete: 19.209(a) and 19.209(b)	Insert:19.209(a) and 19.209(b)
“(a) A person shall not operate an aircraft under IFR using a sole means navigation	“(a) A person shall not operate an aircraft under IFR using a sole means navigation system, which uses only GPS sensors, within

<p>system, which uses only GPS sensors, within the New Zealand Flight information Region.</p> <p>(b) Each person operating a New Zealand registered aircraft under IFR using a sole means navigation system which uses only GPS sensors, in the Auckland Oceanic Flight information Region, shall- “</p>	<p>the designated controlled airspace enclosed within the Cook sector of the Auckland Oceanic Flight Information Region.</p> <p>(b) Each person operating a New Zealand registered aircraft under IFR using a sole means navigation system which uses only GPS sensors, in uncontrolled airspace within the Cook sector of the Auckland Oceanic Flight Information Region and at flight levels above this sector to FL460, shall_”</p>
<p>Explanation of Change:</p> <p>In NZCAR 19.209(a) the intent is to prohibit sole means GPS operation within the New Zealand FIR due to high density of traffic, controlled airspace and the accessibility of alternative ground aids. In the Cook islands the only airspace requiring similar protection from sole means GPS operation would be the controlled airspace around Rarotonga and the routes to southern group destinations.</p> <p>In NZCAR 19.209(b) the airspace reference is to the Auckland Oceanic FIR, i.e., low density traffic area with minimal alternate navigation aids- for the Cook islands all airspace outside of the controlled airspace (control zone) around Rarotonga would be equivalent. The wording change corrects the position.</p>	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

<p>NZCAR 19.335 Transitional arrangements</p>
<p>Delete: 19.335</p>
<p>“The holder of a certificate of approval for supply issued before and current on 22 June 2006 does not need to comply with the requirements of rule 19.325(a)(10)(vi) until 22 December 2006.”</p>
<p>Explanation of Change:</p> <p>This provision is no longer required.</p>
<p>NZCAR Part 19.5 Civil aviation ensign Appendix A – Civil Air Ensign</p>

Delete: 19.5 and Appendix A**19.5 Civil Aviation Ensign**

“(a) The design and colours of the New Zealand Civil Air Ensign shall be those specified in Appendix A.

(b) The New Zealand Civil Air Ensign may be flown— (1) by the Civil Aviation Authority of New Zealand on its buildings and aircraft; or

(2) on any New Zealand registered aircraft; or

(3) at any aerodrome; or

(4) by an airline owning a New Zealand registered aircraft upon or in proximity to any building occupied by the airline as its principal office or place of business; or

(5) by any person to whom permission in writing is granted for the purpose by the Director at such places and subject to such conditions as may be specified.

(c) Except as provided in this rule, no person shall fly the New Zealand Civil Air Ensign on any aircraft or on any ship, or boat, or on any building, or elsewhere in New Zealand. “

Appendix A- Civil Air Ensign

“The Ensign shall comprise upon a field of light blue, a dark-blue Latin cross, in breadth eight-sixtieths of the hoist of the ensign, bordered by a white band two-sixtieths of the hoist of the Ensign; in the first canton the Union Flag; and in the fourth canton the Southern Cross of four five-pointed stars coloured red.

The centres of the stars forming the long limb of the cross shall be on a vertical line through the centre of the fourth canton and equidistant from its upper and lower edges, and the distance apart of the centres of the stars shall be sixteen-sixtieths of the hoist of the Ensign.

The centres of the stars forming the short limb of the cross shall be on a line intersecting the vertical limb at an angle of 82 degrees therewith and rising from near the lower inner corner of the canton towards the upper and outer corner, its point of intersection with the vertical line being distant from the centre of the uppermost star of the cross, five and one-half sixtieths of the hoist of the Ensign. The distance of the centre of the star nearest the outer edge of the canton from the point of intersection shall be equal to five-sixtieths of the hoist of the Ensign, and the distance of the centre of the star nearest the inner edge of the canton from the point of intersection shall be equal to five and one-half sixtieths of the hoist of the Ensign.

The star nearest the outer edge of the canton shall measure three and one-half sixtieths, the stars at the top and bottom of the cross and that nearest the inner edge of the canton shall each measure four-sixtieths of the hoist of the Ensign across their respective points.”

Explanation of Change

The Cook Islands does not have a Civil Air Ensign

NZCAR 19.15 Operation within New Zealand of foreign aircraft

Delete: Part 19.15(d) and 19.201(c)

Part 19.15 (d)

“Nothing in paragraph (a) or paragraph (b) applies to aircraft engaged in air operations conducted in New Zealand under an Australian AOC with ANZA privileges.”

Part 19.201(c)

“The conditions and requirements prescribed in 19.205 and 19.207 do not apply to air operations conducted in New Zealand under an Australian AOC with ANZA privileges”.

Explanation of Change:

The provisions refer to NZ arrangements not applicable in the Cook Islands.

NZCAR Part 19.335 Transitional arrangements

Delete: 19.335

19.335 Transitional arrangements

The holder of a certificate of approval for supply issued before and current on 22 June 2006 does not need to comply with the requirements of rule 19.325(a)(10)(vi) until 22 December 2006.

Explanation of Change:

The provision is now redundant.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

In respect of 19.317 (a) , the intent is to identify the person who has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be financed and carried out in accordance with the requirements prescribed in the subpart. For the Cook Islands, where the applicant for a document is the subsidiary of an international organisation, the in country manager would for example satisfy the requirement.

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 19 Original Issue: 1 April 1997
- Amendment 1; 23 April 1998
- Amendment 2; 1 January 1998
- Amendment 3; 30 April 1999
- Amendment 4; 1 July 2002
- Amendment 5; 12 December 2003
- Amendment 6; 1 June 2004
- Amendment 7; 25 November 2004
- Amendment 8; 11 May 2006
- Amendment 9; 22 June 2006
- Amendment 10 30 March 2007
- Amendment 11; 26 September 2007
- Amendment 12; 18 January 2008
- Amendment 13; 9 October 2008
- Amendment 14; 23 October 2009
- Amendment 15; 25 March 2010
- Amendment 16; 1 April 2014
- Amendment 17; 1 August 2015
- Amendment 18; 24 September 2015
- Amendment 19; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Island Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Ministry of Transport form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 21
Certification of Products and Parts

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 21, Certification of Products and Parts

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 21** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

The purpose of this Rule is to prescribe the requirements for the issue of documents for products, their components, and appliances to allow for their use in the aviation environment.

The Rule has requirements for the following:

- The issue and ongoing revision of type certificates, type acceptance certificates, and airworthiness certificates
- The issue of export airworthiness certificates
- The approval of modifications, repairs, and the issue of supplemental type certificates
- The approval of technical data and development of specifications
- The acceptability and identification of materials, processes, parts, and appliances
- The approval of organisations to manufacture items under Authorisations.

Commencement of Rule into Force

This Rule Part, as modified below, comes into force on 1st July 2018.

Availability of Rules

A copy of Part 21 of the New Zealand Civil Aviation Rule (Consolidated version dated 10 March 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Avatiu Port
Avatiu
Rarotonga
Cook Islands

Copies of the amendments to New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airports Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airports Authority Cook islands
- Air Rarotonga ltd
- Pacific islands Energy PTE ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day of June 2018

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 21

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act ”
- For “Regulation(s)” substitute “Regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “form CAA” substitute “form MOT”. Cook Islands Ministry of Transport form numbers are otherwise identical to New Zealand CAA form numbers.
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”
- For “NZTSO” substitute “CITSO”
- For “NZPMA “substitute “CIPMA”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 21.303 Replacement and modification materials, parts, and appliances	
Delete 21.303	Insert 21.303
<p>“(4) be issued with a CAA Form one authorized release certificate _issued by the holder of a manufacturing organisation certificate issued in accordance with Part 148 who manufactured the part or appliance in accordance with a—</p> <p>(i) NZTSO authorisation; or</p> <p>(ii) NZPMA authorisation; or</p> <p>(iii) supplemental type certificate issued under Subpart E; or</p>	<p>“(4) be issued with a CAA Form one authorized release certificate _issued by the holder of a manufacturing organisation certificate issued in accordance with Part 148 who manufactured the part or appliance in accordance with a—</p> <p>(i) supplemental type certificate issued under Subpart E; or</p> <p>(ii) any other authorisation or approval acceptable to the Director; or”</p>

(iv) certificate of type approval issued under regulation 163 of the Civil Aviation Regulations 1953; or”	
<p>Explanation of Change:</p> <p>Reference to specific systems have been removed and replaced with the Directors power to accept any other approval or authorisation given that it is unlikely that the Cook islands will be able to achieve its own CITA and CIPMA even though they are contemplated In the Rules. .</p>	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in Cook Island

NZCAR Appendix A –Transitional arrangements
Delete
<p>Transitional Arrangements</p> <p>(a) A certificate of type approval that was issued for a standard category aircraft under regulation 163 of the Civil Aviation Regulations 1953 before 1 July 1995, and is in force on 3 December 2009 is deemed to be a standard category type certificate for the purpose of this Part.</p> <p>(b) A certificate of type approval that was issued for an agricultural or restricted category aircraft under regulation 163 of the Civil Aviation Regulations 1953 before 1 July 1995, and is in force on 3 December 2009 is deemed to be a restricted category type certificate for the purpose of this Part.</p> <p>(c) If approved by the Director, aircraft of a type and model issued with a certificate of airworthiness under regulation 161 of the Civil Aviation Regulations 1953 before 1 July 1995 is deemed to have a type acceptance certificate in the same category for the purpose of this Part.</p> <p>(d) If approved by the Director, an engine type and model, and a propeller type and model that is fitted to a New Zealand registered aircraft that—(1) has a standard category airworthiness certificate or a restricted category airworthiness certificate that was issued before 1 March 2007 and is valid on 3 December 2009; or</p>

(2) is deemed to have a standard category airworthiness certificate under paragraph (e), or a restricted category airworthiness certificate under paragraph (f) and the deemed certificate is valid on 3 December 2009—

is deemed to have a type acceptance certificate for the purpose of this Part.

(e) A standard category certificate of airworthiness for an aircraft that was issued under regulation 161 of the Civil Aviation Regulations 1953 before 1 July 1995 and is in force on 3 December 2009 is— (1) deemed to be a standard category airworthiness certificate for the purpose of the Civil Aviation Rules; and

(2) subject to the same conditions and limitations prescribed on the certificate of airworthiness.

(f) An agricultural or restricted category certificate of airworthiness for an aircraft that was issued under regulation 161 of the Civil Aviation Regulations 1953 before 1 July 1995 and is in force on 3 December 2009 is— (1) deemed to be a restricted category airworthiness certificate for the purpose of the Civil Aviation Rules; and

(2) subject to the same conditions and limitations prescribed on the certificate of airworthiness.

(g) A permit to fly that was issued for an Amateur-built aircraft under regulation 161A of the Civil Aviation Regulations 1953 before 1 July 1995 and is in force on 3 December 2009 is— (1) deemed to be a special category—experimental airworthiness certificate for the purpose of the Civil Aviation Rules; and

(2) subject to the same conditions and limitations prescribed on the permit to fly.

Explanation of Change:

The deleted information applies to the New Zealand system.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Cook Island

NZCAR Appendix D

**Insert: Under Acceptable Technical Data (a) 8 and
Acceptable Technical Data (a) 9 after “Transport Canada “**

8 “(iv) the Civil Aviation Authority of New Zealand;”
and

9 “or the Civil Aviation Authority of New Zealand;”

Explanation of Change:

This allows the Cook Islands to accept technical data that has been accepted by the Civil Aviation Authority of New Zealand

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 21 Original Issue: 1 July 1995
- Amendment 1; 12 October 1995
- Amendment 2; 15 February 1996
- Amendment 3; 1 April 1997
- Amendment 4; 1 April 1997
- Amendment 5; 25 December 1997
- Amendment 6; 28 July 2003
- Amendment 7; 1 March 2007
- Amendment 8; 3 December 2009
- Amendment 9; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Cook Island.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Island Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used. [Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 26
Additional Airworthiness Requirements

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 26 Additional Airworthiness Requirements

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 26** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

Part 26 provides the airworthiness requirements for a Cook Islands registered aircraft. These are additional to any airworthiness requirements contained in any other Rule Part.

Commencement of Rule into Force

This Rule Part, as modified below, comes into force on 1st July 2018.

Availability of Rules

A copy of Part 26 of the New Zealand Civil Aviation Rule (Consolidated version dated 25 March 2010) will be attached to this document and physically filed at:

The Ministry of Transport
Avatiu Port
Avatiu
Rarotonga
Cook Islands

Copies of the amendments to New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enuā)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enuā)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the day of June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 26

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act ”
- For “Regulation(s)” substitute “Regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Cook Island

Nil

(v) Any direction as to the application or non-application to the Cook Island of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 26 Original Issue: 1 April 1997
- Amendment 1; 1 March 2007
- Amendment 2; 25 March 2010

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Island Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 39
Airworthiness Directives

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rules:

Cook Island Civil Aviation Rule (CICAR): Part 39 Airworthiness Directives

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 39** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

The purpose of Part 39 is to ensure continuing safety in the Cook Islands aviation environment. Requirements are placed on aircraft owners and operators to ensure that their aircraft are maintained in an airworthy condition and operated safely.

An airworthy aircraft:

- Conforms in all respects with its approved or properly modified type design;
- Is maintained in accordance with the appropriate rules; and
- Is fit for flight.

An integral part of aircraft airworthiness is the compliance with any airworthiness directives. The airworthiness directive system requires that all applicable airworthiness directives are complied with. This Rule provides the Director with the framework for the issue of these airworthiness directives.

Commencement of Rule into Force

This Rule Part, as modified below, comes into force on

Availability of Rules

A copy of Part 39 of the New Zealand Civil Aviation Rule (Consolidated version dated 1 March 2007) will be attached to this document and physically filed at:

The Ministry of Transport
Avatiu Port
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 39

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act ”
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “section 72I(3A) of the Act” “ substitute “section 17 of the Act”

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in Cook Island

Nil

(iii) Any general exemptions which will apply in Cook Island

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 39 Original Issue; 14 March 1997
- Amendment 1; 1 March 2007

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Island Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 43
General Maintenance Rules

I, **Hon Henry Puna** Prime Minister of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 43 General Maintenance Rules

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 43** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

The objective of the Rule is to establish, for all aircraft, the minimum standard of maintenance considered necessary to ensure the continued validity of their Airworthiness Certificate. The Rule will also ensure that all aircraft are maintained to a standard that assures safe operation. The Rule provides the details for the inspections required to be completed in accordance with Rule Part 91.

This is achieved by prescribing:

- the minimum standard of maintenance required for aircraft; and
- the minimum standards for the performance of maintenance; and
- the persons who may certify maintenance; and
- the manner in which maintenance is to be recorded and certified.

Commencement of Rule into Force

This Rule Part, as modified below, comes into force on 1st July 2018.

Availability of Rules

A copy of Part 43 of the New Zealand Civil Aviation Rule (Consolidated version dated 30 October 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Avatiu Port
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airports Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 43

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act ”
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “CAA Form One” substitute “MOT Form One”
- For “CAA Form Two” substitute “MOT Form Two”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 43.51 Persons to perform maintenance; and 43.101 Persons to certify release-to-service	
Delete: 43.51(2) and 43.101(2)	Insert: 43.51(2) and 43.101(2)
<p>“holds an appropriate current aircraft maintenance engineer licence and an appropriate rating issued by the Civil Aviation Safety Authority of Australia, and has had that licence registered by the Director in New Zealand under the Trans-Tasman Mutual Recognition Act 1997; or”</p>	<p>“holds an appropriate current aircraft maintenance engineer licence and an appropriate rating issued by the Civil Aviation Safety Authority of Australia, or the Civil Aviation Authority of New Zealand; or”</p>
<p>Explanation of Change: This removes reference to the New Zealand Act and also allows recognition of maintenance engineers, and their ability to perform maintenance and to certify an aircraft or component for release-to-service after maintenance, from New Zealand and Australia directly.</p>	

NZCAR 43.51 Persons to perform maintenance

Delete: 43.51(3)	Insert: 43.51(3)
“(3) a current aircraft maintenance engineer licence issued by the Civil Aviation Safety Authority of Australia, if that licence is registered by the Director in New Zealand under the Trans-Tasman Mutual Recognition Act 1997.”	“(3) a current aircraft maintenance engineer licence issued by the Civil Aviation Safety Authority of Australia, or the Civil Aviation Authority of New Zealand.”
Explanation of Change: Removes reference to an NZ Act and also allows recognition of maintenance engineers from New Zealand and Australia directly.	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in Cook Island

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 43.1 Purpose
Delete: 43.1(b)
<p>b) Unless specified otherwise in a technical arrangement, the requirements of subparts B and C do not apply to a person performing maintenance on a New Zealand registered aircraft or on a component intended to be fitted to a New Zealand registered aircraft if the maintenance is performed—</p> <p>(1) in another State that is party to a technical arrangement; and</p> <p>(2) under the authority of and in accordance with a maintenance organisation certificate or approval issued by the State referred to in paragraph (b)(1); and</p> <p>(3) in accordance with the relevant procedures and authorisations of the maintenance organisation referred to in paragraph (b)(2); and</p> <p>(4) in accordance with the relevant maintenance standards and procedures of the State referred to in paragraph (b)(1) unless specified otherwise in the technical arrangement; and</p> <p>(5) in accordance with any conditions specified in the technical arrangement.</p>
Explanation of Change: Technical Arrangements are not included in the CAA Act 2002. This deletion is consistent with the deletion of the definition of Technical Arrangement in Part 1.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 43 Original Issue; 1 June 1995
- Amendment 1; 1 April 1997
- Amendment 2; 1 April 1997
- Amendment 3; 25 December 1997
- Amendment 4; 28 July 2003
- Amendment 5; 1 March 2007
- Amendment 6; 22 November 2007
- Amendment 7; 3 December 2009
- Amendment 8; 25 March 2010
- Amendment 9; 10 November 2011
- Amendment 10; 1 April 2014
- Amendment 11; 25 September 2015
- Amendment 12 ;10 March 2017
- Amendment 13; 30 October 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Cook Island.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Island Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 47
Aircraft Registration and Marking

I, **Hon Henry Puna** Prime Minister of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 47 Aircraft Registration and Marking

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 47** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule provide the framework and administrative machinery necessary for keeping the Cook Islands Register of Aircraft established under section 79 of the Civil Aviation Act 2002.

The Rules flow from the requirement in section 25 of the Act to register an aircraft and to hold a valid certificate of registration, and from the requirements in Annex 7 to the International Convention on Civil Aviation regarding marking of aircraft.

Commencement of Rule into Force

This Rule Part, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 47 of the New Zealand Civil Aviation Rule (Consolidated version dated 1 August 2015) will be attached to this document and physically filed at:

The Ministry of Transport
Avatiu Port
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

-
- CAA web site: <http://www.caa.govt.nz/>
 - NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 47

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “section 6 of the Civil Aviation Act 1990” substitute “section 25 of the 2002 Act”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”
- For section 20 of the Act substitute “section 14 of the 2002 Act”
- For “section 73 of the Act” substitute “79 of the 2002 Act”
- For “ZK” substitute “E5”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 47.51 Requirement for aircraft registration and certificate	
Delete: 47.51 (a)(3)	Insert: 47.51(a)(3)
“the appropriate aeronautical authorities of another State that is party to an agreement with the Government of New Zealand or the Civil Aviation Authority of New Zealand which provides for the acceptance of each other's registrations.”	“the appropriate aeronautical authorities of another State that is party to an agreement with the Government of the Cook Islands or the Cook Islands Ministry of Transport which provides for the acceptance of each other's registrations.”
Explanation of Change: Removes reference to NZ and allows recognition of arrangements with other countries including New Zealand.	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

NZCAR 47.69 Cancellation of Registration
Delete: 47.69(c)
“(c) Despite paragraph (a)(1), the holder of a certificate of registration may not request the Director to revoke the certificate of registration for the aircraft if the Authority has recorded an irrevocable de-registration and export request authorisation submitted under section 109 of the Act in relation to the aircraft.”
Explanation of Change: The Cook islands has not signed up to the Capetown Convention, nor introduced provisions around irrevocable deregistration in the Act.

NZCAR Subpart C – Aircraft Marking; 47.121 Obscuring identification
Delete: 47.101(d) and 47.109(c); and part 47.121
47.101 “(d) A New Zealand registered aircraft operating within New Zealand on a police operation authorised by the Commissioner of Police is not required to display its nationality mark or registration mark allocated under 47.103, if the aircraft displays a police mark allocated under 47.102.”
47.109 “(c) Police marks must be affixed to the aircraft by a means that will ensure the marks are displayed in accordance with the other requirements of this subpart for the duration of the police operation authorised by the Commissioner of Police.”
47.121 the words “or the police mark,”
Explanation of Change: Not applicable in the Cook Islands.

NZCAR Appendix A – Transitional arrangements
Delete: Appendix A
<p>(a) Any holder of a certificate of registration who, prior to the coming into effect of Amendment 2 to Part 47, holds an exemption granted in accordance with section 37 of the Act to display an identifiable paint scheme and markings instead of the registration marks required under 47.101, is deemed to have that identifiable paint scheme and markings approved under 47.104(d) or (e) as appropriate.</p> <p>(b) A holder of a certificate of registration who holds an exemption referred to in paragraph (a) must, in accordance with 47.104(f), provide the Director with a three-view set of photographs of the aircraft displaying the approved identifiable paint scheme and markings within 120 days of this Amendment coming into effect.</p> <p>(c) Any holder of a certificate of registration, whose aircraft did not display the nationality mark and registration mark in the manner prescribed in 47.111 to 47.117 on 9 January 1998, must ensure that the marks displayed on the aircraft meet the requirements of 47.111 to 47.117 when the aircraft is painted, repainted or remarked</p>
<p>Explanation of Change: No longer required.</p>

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 47 Original Issue: 28 November 1996
- Amendment 1; 25 December 1997
- Amendment 2; 24 January 2002
- Amendment 3; 3 December 2009
- Amendment 4; 1 November 2010
- Amendment 5; 1 August 2015

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Cook Island.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

**NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 61
Pilot Licences and Ratings**

I, **Hon Henry Puna** Prime Minister of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 61 Pilot licences and Ratings

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 61** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule prescribes the requirements to hold pilot licences and ratings; the prerequisites for those qualifications and their privileges and limitations.

The Rule also details the requirements for the validation of licences and ratings from other countries and includes how the Cook Islands deals with the privileges and limitations for the use of validated licences.

Commencement of Rule into Force

This Rule Part, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 61 of the New Zealand Civil Aviation Rule (Consolidated version dated 30 October 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Avatiu Port
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

-
- CAA web site: <http://www.caa.govt.nz/>
 - NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga this _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 61

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”
- In subpart A paras 61.29 to 61.43, excluding 61.35 and 61.41, pilot licence is deemed to include a validation permit issued under 61.9.

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 61.9 Validation permit for a foreign pilot licence	
Delete: 61.9(b)(i)	Insert: 61.9(b)(i)
“(1) an expiry date for the permit which must not exceed 6 months from the date of issue; and “	(1) an expiry date for the permit which must not exceed 3 years from the date of issue; and “
Explanation of Change: The additional requirements inserted for oversight of the validated licences mean that safety is not compromised by the extension of the validation term.	

NZCAR 61.35 Medical Requirement	
Delete: 61.35 (a)	Insert: 61.9(b)(i)
61.35(a) “(a) A person who holds a pilot licence, other than a recreational pilot licence, must not exercise the privileges of the licence unless—	61.35(a) “(a) A person who holds a pilot licence must not exercise the privileges of the licence unless—

Explanation of Change:

The Cook islands is not providing for the issue of a recreational pilots licence. Firstly because there is very little interest, and secondly medical requirements set out in the NZCARS are difficult to replicate safely in the Cook Islands environment.

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in Cook Island

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 61.5 Requirement for Pilot Licences and Ratings

Delete: 61.5(b)(4),61.5(c)(3), 61.5(d)(5) and 61.5(j)(4)

61.5(b) “(4) issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the licence.” and

61.5(c) “(3) issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the licence, provided the operation of the aircraft by the holder of an Australian pilot licence is acceptable to the pilot licensing authority of the country of aircraft registry.” and

61.5(d) “(5) attached to a pilot licence issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the Licence.”

61.5(j) “(4)attached to a pilot licence issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the licence; or”

Explanation of Change:

Not applicable to the Cook Islands.

NZCAR 61.7 Pilot licences, ratings and permits

Delete: 61.7(1) and renumber (1) to (9) as (1) to (8)

“(1) recreational pilot licence – Aeroplane:
– Helicopter’

Explanation of Change:

It is not appropriate in the Cook Islands to provide for a recreational Pilot licence as there is no system in place which can provide a level of assurance on the medical conditions of any applicant.

NZCAR 61.35 Medical Requirement**Delete: 61.53(b) and 61.53(d)****61.53(b)**

“(b) A person who holds a recreational pilot licence must not exercise the privileges of the licence unless the person—

(1) holds a medical certificate, issued in accordance with rule 44(1) of the Land Transport (Driver Licensing) Rule 1999, that is applicable for a Class 2, 3, 4 or 5 driver licence with passenger endorsement which—

(i) was issued within the previous 5 years; or

(ii) if the person is 40 years of age or older, was issued within the previous 24 months; and

(2) is complying with all the conditions, restrictions and endorsements on the medical certificate.”

61.53(d)

(d) A person who is required under paragraph (b), or under rule 61.355(a) (2), to hold a medical certificate issued in accordance with rule 44(1) of the Land Transport (Driver Licensing) Rule 1999 must provide the Director with a copy of the medical certificate within 7 days of the date of issue.

Explanation of Change:

It is not appropriate in the Cook Islands to provide for a recreational Pilot licence as there is no system in place which can provide a level of assurance on the medical conditions of any applicant.

NZCAR 61.105 –Solo flight requirements**Delete 61.105(a)(2)(ii)**

“(ii) a medical certificate, issued under rule 44(1) of the Land Transport (Driver Licensing) Rule 1999, that is applicable for a Class 2, 3, 4 or 5 driver licence with passenger endorsement which—

(A) was issued within the previous 5 years; or

(B) if the person is 40 years of age or older, was issued within the previous 24 months;

and”
Explanation of Change: This removes reference to New Zealand requirements that cannot be complied with in the Cook Islands
NZCAR 61.739 –Transitional provisions for holders of agricultural ratings
Delete 61.739
61.739 (a) This rule applies to current agricultural ratings issued before 15 April 2016. (b) A pilot who holds a rating to which this rule applies may exercise the privileges in rule 61.735 until the currency period for the agricultural rating expires, if the pilot holds a current pilot chemical rating. (c) A pilot in rule 61.737 (b) who successfully demonstrates competency before the expiry of the agricultural rating— (1) is deemed to comply with rule 61.731(2); and (2) may be issued with an aerial VTA rating.
Explanation of Change: No longer required.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

In **subpart A** paras **61.29 to 61.43**, excluding **61.35 and 61.41**, pilot licence is deemed to include a validation permit issued under **61.5**.

NZCAR 61.35 Medical Requirement
Insert: 61.35 (c)(3),4
“(3) advises the Director of any medical condition which might affect their ability to undertake the privilege of their licence; (4) advise the Director immediately if any additional condition, restriction or endorsement has been placed on their medical certificate that was not present on the granting of the validation permit.”

Explanation of Change:

Allows the Director in the Cook Islands to be made aware of any medical conditions affecting a pilot operating under a validation permit.

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 47 Original Issue: 5 November 1992
- Amendment 1; 30 October 1994
- Amendment 2; 8 February 1996
- Amendment 3; 4 December 1997
- Amendment 4; 25 December 1997
- Amendment 5; 30 April 1999
- Amendment 6; 1 April 2002
- Amendment 7 (Re-issue); 11 May 2006
- Amendment 8; 20 December 2007
- Amendment 9; 8 May 2008
- Amendment 10; 10 November 2011
- Amendment 11; (Re-issue) 15 April 2016
- Amendment 12; 10 March 2017
- Amendment 13; 30 October 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

The intention from this adoption statement is that for pilot licences and ratings the systems that are provided for in the NZCAR Part 61 are adopted in the Cook Islands, but in addition there is the ability to recognise and validate foreign licences for a period of 3 years.

Currently the Cook Islands does not have the capability or capacity to provide a medical licencing system. The validation of foreign licences relies upon the applicant undertaking all the checks within that foreign country. The additional requirements in the medical area added to the Rules allow the Director to be sure the Pilot is fit to fly for the full 3 years of the permit.

In addition, a validation permit must be read as equivalent to a pilot licence to enable such matters such as biennial flight requirements to be imposed, and for log books specific to the Cook Islands to be maintained.

NZCAR 67 – Medical Standards and Certification will be available in the Cook Island Rule system but not formally adopted until the Cook Islands has the capability or capacity to utilise it.

In addition it is intended that the category of recreational pilot, will not apply in the Cook Islands. All persons who would fly within that category in NZ must apply for a PPL (at the least) in the Cook Islands.

Reference to pilot licence in other Parts of the Rules is deemed to include a validated pilot’s licence under this Part.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Island Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING

COOK ISLANDS CIVIL AVIATION RULE PART 63 Flight Engineer Licences and Ratings

I, **Hon Henry Puna** Prime Minister of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 63 Flight Engineer Licences and Ratings

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 63** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule prescribes the requirements to hold flight engineer licences and ratings; the prerequisites for those qualifications; and their privileges and limitations. This Part covers student flight engineer licences and flight engineer licences. It also covers type ratings; instructor ratings; and examiner ratings.

Commencement of Rule into Force

This Rule Part, as modified below, comes into force on 1st July 2018.

Availability of Rules

A copy of Part 63 of the New Zealand Civil Aviation Rule (Consolidated version dated 22 June 2006) will be attached to this document and physically filed at:

The Ministry of Transport
Avatiu Port
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 63

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “Regulation(s)” substitute “Regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands” unless it is specifically included.
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”
- For “sections 18,19 and 20 of the Act” substitute “sections 11,12 and 13 of the Act”

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 63.7 (a) and (b)
Delete: 63.7 Exchange of Terminating licence for lifetime licence
63.7 Exchange of terminating licence for lifetime licence (a) Cadet flight engineer licences and flight engineer licences issued under the Civil Aviation Regulations 1953 are deemed to be licences issued under this Part. They may be exchanged for a new licence under this Part without any further examination or test. (b) Ratings held on a licence issued under the Civil Aviation Regulations 1953 carry over to a licence issued under this Part and are deemed to have been issued under this Part.
Explanation of Change: Not applicable to the Cook Islands.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

In this Rule in **63.19, 63.21, 63.25, 63.27, 63.29, 63.157** reference to cadet flight engineer licence or flight engineer licence is deemed to include reference to the appropriate validation permit.

NZCAR 63.3 Requirement for licence and ratings	
Delete:63.3(2)	Insert: 63.3(2)
(2) a current foreign cadet flight engineer licence or flight engineer licence validated by the Director	2) a foreign cadet flight engineer licence or flight engineer licence issued by a foreign state and a validation permit issued in accordance with rule 63.10
Explanation of Change: Under the NZCAR's there is no process for the validation of a foreign licence. This allows for a process to be set up in the CICAR's	

CICAR 63.10
Insert: Validation permit for a cadet flight engineer licence or flight engineer licence
<p>(a) To be eligible for the issue of a validation permit, a person must—</p> <p>(1) be the holder of cadet flight engineer licence or flight engineer licence issued by an ICAO Contracting State; and</p> <p>(2) hold an appropriate current medical certificate relating to the foreign licence required under paragraph (a)(1); and</p> <p>(3) have sufficient ability in reading, speaking, understanding and communicating in the English language to enable the applicant to adequately carry out the responsibilities of a flight engineer exercising the privileges of a validation permit; and</p> <p>(4) pass any written examination and test that the Director may require.</p> <p>(b) A validation permit must specify—</p> <p>(1) an expiry date for the permit which must not exceed 3 years from the date of issue; and</p> <p>(2) the privileges that the holder may exercise which must not be greater than the privileges associated with the holder's foreign licence.</p> <p>(c) A validation permit remains in force until the expiry date specified in the permit unless—</p>

- (1) it is suspended or revoked by the Director; or
 (2) the pilot's foreign licence expires, or is suspended, or revoked by the issuing State.

Explanation of Change:

This allows for the validation of an overseas cadet flight engineer licence or flight engineer licence.

NZCAR 63.23 Medical Requirements

Insert: 63.23(3)

“(c) A person who holds a validation permit for a foreign licence must not exercise the privileges of that permit unless the person—
 (1) holds a current medical certificate that is associated with the foreign licence for which the validation permit is issued; and
 (2) is complying with all the conditions and endorsements on that medical certificate; and
 “(3) advises the Director of any medical condition which might affect their ability to undertake the privilege of their licence;
 (4) advise the Director immediately if any additional condition, restriction or endorsement has been placed on their medical certificate that was not present on the granting of the validation permit.”

Explanation of Change:

Not applicable to the Cook Islands.

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 63 Original Issue: 15 February 1996
- Amendment 1; 1 April 2002
- Amendment 2; 22 June 2006

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

The intention of the amendments to the NZCAR'S in this rule is to ensure there is a process for the Director to validate a foreign contracting State's licence and also to provide for sufficient oversight. The Cook Islands does not have the capacity or capability provide a medical certification process.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Island Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 65
Air Traffic Service Personnel Licences and Ratings

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 65, Air Traffic Services Personnel Licences and Ratings

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 65** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule provides for the issue of air traffic service licences and ratings, including the conditions, privileges and limitations associated with those licences and ratings.
The Rule also details the requirements for the validation of licences and ratings from other States.

Commencement of Rule into Force

This Rule Part, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 65 of the New Zealand Civil Aviation Rule (Consolidated version dated 24 September 2015) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 65

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “Regulation(s)” substitute “Regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Civil Aviation – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”

Below, “NZCAR” means New Zealand Civil Aviation Rule

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in Cook Island

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 65.103 Eligibility requirements	
Delete: 65.103(a) (i)	Insert: 65.103(a) (i)
“(1) an appropriate current air traffic service licence issued under this Part; and”	“(1) an appropriate current air traffic service licence or validated air traffic service licence, issued under this Part; and”
Explanation of Change: This recognises a validated air traffic service licence from an overseas ICAO contracting State.	

NZCAR 65.253(b) 65.403(c) Eligibility requirements
Delete: 65.253(b) and 65.403(c)
65.253(b) A person who held an airways services personnel licence issued under the Civil

Aviation Regulations 1953 is deemed to meet the eligibility requirements of paragraph (a). **65.403(c)** A person who at the time this Part comes into effect is exercising privileges, equivalent to those of 65.405, under the authority of an Airways Service Certificate issued under the Civil Aviation Regulations 1953, is deemed to meet the eligibility requirements of paragraph (a).

Explanation of Change:

Not applicable to the Cook Islands.

NZCAR 65.405 Privileges and limitations

Delete: 65.405(b)(3)(ii)

Insert: 65.405(b)(3)(ii)

“(ii) within the immediately preceding 13 months have demonstrated to the holder of an air traffic service examiner rating the ability to exercise those privileges by passing an examination and a practical test based on the exercise of those privileges of the rating.”

ii) within the immediately preceding 3 years have demonstrated to the holder of an air traffic service examiner rating the ability to exercise those privileges by passing an examination and a practical test based on the exercise of those privileges of the rating.”

Explanation of Change:

This recognises the less complicated Air Traffic Services and airways system, lower level of air traffic and small size of air traffic services staff in the Cook Islands.

NZCAR 65.455 Privileges and limitations

Delete: 65.455(b)(3)

Insert: 65.455(b)(3)

“(ii) within the immediately preceding 13 months have demonstrated to a Civil Aviation Authority testing officer the ability to perform the duties of an air traffic service examiner.”

ii) within the immediately preceding 3 years have demonstrated to a Civil Aviation Authority testing officer the ability to perform the duties

Explanation of Change:

This recognises the less complicated ATS and airways system, lower level of air traffic and small size of air traffic services staff in the Cook Islands.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

NZCAR Part 65.1 Applicability	
Insert: 65.1.(4)and (5)	
After 65.1(3) “ratings” insert “; and (4) the validation of overseas air traffic services licences and associated ratings; and (5) the privileges and limitations of the validated licences and ratings.”	
Explanation for the additional provision: This explains at the beginning of the Rule, that the Rule includes provisions around the validation of an overseas licence and its ratings.	
NZCAR Part 65.3 Definitions	
Insert: validated air traffic service licence (in the appropriate alphabetical place.)	
“ Validated air traffic service licence means any validated licence with endorsed ratings, issued under Part 65”	
Explanation for the additional provision: This provides a definition for a validated air traffic service licence.	
NZCAR 65.5 Requirement for licence and ratings	
Delete: 65.5(a) (i), (2) (b), and (2)(c).	Insert: 65.5(a)(i), (2)(b) and (2)(c)
“(1) an appropriate current air traffic service licence issued under this Part; and (2) an appropriate current rating issued and validated under this Part. (b) A person who exercises the privileges of an air traffic service instructor listed in rule 65.405, must hold a current air traffic service instructor rating issued under this Part. (c) A person who exercises the privileges of an air traffic service examiner listed in rule 65.455, must hold a current air traffic	“(1) an appropriate current air traffic service licence or validated air service licence, issued under this Part; (2) an appropriate current rating issued and validated under this Part; or an appropriate current validated air service licence with the appropriate rating (b) A person who exercises the privileges of an air traffic service instructor listed in rule 65.405, must hold a current air traffic service instructor rating issued under this Part or a current validated air traffic service licence with an associated instructor rating.

service examiner rating issued under this Part.	(c) A person who exercises the privileges of an air traffic service examiner listed in rule 65.455, must hold a current air traffic service examiner rating issued under this Part or a current validated air traffic service licence with an associated examiner rating.
<p>Explanation of Change: This recognises the ability to use persons holding validated overseas air traffic service licences with the associated ratings within an air traffic service.</p>	

NZCAR 65.11 Application for licences and Ratings	
Delete: 65.11	Insert: 65.11
“Each applicant for the grant of an air traffic service licence, an air traffic service instructor rating, or an air traffic service examiner rating, or for the endorsement of any other rating on that licence, shall complete form CAA 24065/01 and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act.”	Each applicant for the grant of an air traffic service licence, a validated air traffic service licence, an air traffic service instructor rating, or an air traffic service examiner rating, or for the endorsement of any other rating on that licence, shall complete form MOT 24065/01 and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act
<p>Explanation of Change: This allows persons holding overseas air traffic service licences to apply for validation of those licences.</p>	

NZCAR 65.15 Duration of licences and ratings	
Delete: 65.15(a)	Insert: 65.15(a)
“(a) Except as provided in paragraph (b), a licence or rating issued under this Part shall be valid for the lifetime of the holder unless it is suspended or revoked in accordance with the Act.”	“(a) Except as provided in paragraph (b) and (c), a licence or rating issued under this Part shall be valid for the lifetime of the holder unless it is suspended or revoked in accordance with the Act”
<p>Explanation of Change: This includes an exception to the creation of a lifetime licence.</p>	

NZCAR 65.15 Duration of Licences and Ratings
Insert: 65.15(c)
(c) A validated air traffic service licence issued under this part shall be valid for three years unless it is suspended or revoked by the originating State.
Explanation of Change: This provides for a three year limit on a validated air traffic service licence, on the basis that the requirements of the medical needed to be continually checked and in any case if a rating is added a new validation licence is required.

NZCAR Part 65.25 Medical Requirements
Insert: 65.25(b)
<p>“The holder of a validated air traffic trainee licence, or validated air traffic controller licence issued under this part shall not exercise the privileges of that licence unless the person-</p> <p>(3) holds the equivalent to a current Class 3 medical certificate issued by a foreign contracting State to the convention; and</p> <p>(4) where the Director has validated that certificate in accordance with set procedures ;and</p> <p>(5) where the Director is satisfied that the holder is complying with all the currency requirements from the State of issue; and</p> <p>(6) is informed if the holder has any medical condition which would render them unable to exercise the privileges of their licence; or</p> <p>(7) or if the medical certificate is revoked by the State of Issue.</p>
Explanation for the additional provision: This allows the licensee to exercise the privileges of the licence utilising a validated overseas medical certificates from another ICAO contracting Sate, while ensuring that the Director also has some oversight on the individual’s medical state.

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 65 Original Issue: 1 April 1997
- Amendment 1; 1 April 2002
- Amendment 2; 22 June 2006
- Amendment 3; 25 March 2010
- Amendment 4; 1 April 2014

- Amendment 5; 24 September 2015

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

The intent of the addition of a validated air traffic licence is to provide a mechanism for the Cook Islands to comply with ICAO standards, or at least have a process for the oversight of medical certificates. The Cook Islands currently does not have the ability to provide a medical certification unit. Under these changes the Director is able to validate a licence from an acceptable overseas State. The licence is valid for 3 years and there are conditions in relation to medical requirements. Also ratings cannot be added to validated licences. So each time a rating is needed it must be attained through another State and validated in the Cook Islands. All recurrency and other training must be undertaken in the foreign State.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Island Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 66
Aircraft Maintenance Personnel Licensing

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 66 Aircraft Maintenance Personnel Licensing

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 66** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule prescribes the requirements for:

- the issue of aircraft maintenance licences, certificates, and ratings
- the privileges and limitations of those licences, certificates, and ratings.

Commencement of Rule into Force

This Rule, as modified below, comes into force on 1st July 2018.

Availability of Rules

A copy of Part 66 of the New Zealand Civil Aviation Rule (Consolidated version dated 1 February 2016) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airports Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 66

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “Civil Aviation Act 2002 ”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” or “Forms CAA” substitute “Form MOT or Forms MOT”
- For “section 9 of the Act” substitute “section 28 of the Act”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 66.10(c)	
Delete:	Insert:
“Australia”	“Australia or New Zealand”
Explanation of Change: Allows acceptance of a NZ aircraft maintenance engineer licence without the need for the applicant to pass an oral examination.	

NZCAR 66.203(1)	
Delete:	Insert:
“Australian”	“Australian or New Zealand”
Explanation of Change: Allows acceptance of certificates of an inspection authorisation coming from New Zealand	

NZCAR 66.103 Eligibility requirements	
Delete:	Insert:
“(2) have completed 6 months practical experience on the type or group of aircraft or components for which the rating is sought; and”	“(2) have completed 6 months practical experience on the type or group of aircraft or components for which the rating is sought or any practical experience that the Director may require, taking into account the applicants training and examinations undertaken under 66.103(3).”
Explanation of Change: Allows the maintenance of aircraft where the LAME has not had 6 months experience on the specific aircraft type, but where the Director is able to be flexible around the requirements without compromising safety.	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

NZCAR Appendix A –Transitional arrangements
Delete: Appendix A
<p>“(a) Examination credits for the Type I (major) aircraft maintenance engineer licence subjects are acceptable to the Director for the purposes of 66.203(3) and 145.60(d) (1) (ii).</p> <p>(b) For the purposes of the Civil Aviation Rules, a current Type II (minor) aircraft maintenance engineer licence issued under the Civil Aviation Regulations 1953 shall be deemed an aircraft maintenance engineer licence issued under this Part in the corresponding category of licence and may be exchanged without further examination or test.</p> <p>(c) For the purposes of the Civil Aviation Rules, a group or type rating held on a licence issued under the Civil Aviation Regulations 1953 shall carry over to a licence issued under this Part and is deemed to have been issued under this Part.”</p>
Explanation of Change: No longer required.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

NZCAR Part 66.9 issuance of licences, certificates and ratings
Insert into 66.9(b) where highlighted
“(b) An applicant for the grant of a licence, certificate, or rating on the basis that they are the holder of a current licence or certificate or rating issued by a foreign contracting State to the Convention is eligible to a licence or certificate or rating if the Director is satisfied that— (1) the applicant is the holder of an acceptable licence or certificate or rating ; and (2) the applicant is a fit and proper person; and (3) the granting of the certificate or licence or rating is not contrary to the interests of aviation safety; and (4) except as provided in paragraph (c), the applicant has passed the Air Law examination and oral examination required by 66.53(a).”
Explanation of Change: This allows the acceptance of approved ratings gained from a foreign ICAO contracting State onto a Cook Island licence.

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 66 Original Issue: 1 April 1997
- Amendment 1; 30 April 1999
- Amendment 2; 22 June 2006
- Amendment 3; 3 December 2009
- Amendment 4; 1 April 2014
- Amendment 5; 1 February 2016

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 67
Medical Standards and Certification

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 67 medical Standards and Certification

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates, by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 67** in force at such time as is notified separately by gazette, as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule sets out: -

- the procedure associated with the application for medical certificates by flight crew and air traffic controllers; and
- the currency requirements for medical certificates; and
- the applicable medical standards for flight crew and air traffic controllers

Commencement of Rule into Force

This Rule Part, as modified below, comes into force on a date to be advised by gazette.

Availability of Rules

A copy of Part 67 of the New Zealand Civil Aviation Rule (Consolidated version current at the time of gazetting) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement Part 67

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands.” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”

Below, “NZCAR” means New Zealand Civil Aviation Rule

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force at the time the rule is gazetted, including:

- Part 67 Original Issue: 5 November 1992
- Amendment 1; 1 April 2002
- Amendment 2; (Re-Issue) 1 May 2006

-
- Amendment 3; 25 October 2007

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

The intent is for this rule not to come into force until such time as the Cook Islands is able to provide for a medical certification Unit and has a clear direction in its Act on medical aviation issues. At such time there would be further consultation with interested parties.

All references to the applicability of any rules in Part 67 to other CICARS is not intentional.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Island Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 71
Designation and Classification of Airspace

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 71 Designation and Classification of Airspace

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 71** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

Part 71 prescribes the general rules for the designation and classification of airspace for aviation purposes and in the public interest.

In particular, Part 71 empowers the Director as the person who may designate and classify airspace for aviation purposes in the sovereign airspace of the Cook Islands.

Part 71 also empowers the Director to restrict aviation activity by the designation of special use airspace.

Airspace can be designated as either controlled airspace or special use airspace. Controlled airspace is designated where there is a need for an air traffic control service to be provided for the safety and efficiency of aircraft operations. Such designations include control areas and control zones.

Special use airspace is designated where there is a need to impose limitations on the operation of aircraft for aviation safety and security, or national security, or for any other reason in the public interest.

Special use airspace includes restricted areas, mandatory broadcast zones, volcanic hazard zones and danger areas.

Airspace classification is the term used to specify various levels of air traffic services that are required to ensure the safety and efficiency of aircraft operations. Airspace classifications are made in accordance with the ICAO airspace classification system.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 71 of the New Zealand Civil Aviation Rule (Consolidated version dated 30 October 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)

- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 71

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “the Auckland Oceanic Flight Information Region and the New Zealand Flight information Region” substitute “airspace within the territorial limits of the Cook Islands.
- For “New Zealand Air Navigation Register” substitute “Cook island Air Navigation Register”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 71.1 Purpose	
Delete:	Insert:
(1) “airspace within the territorial limits of New Zealand; and” (2) “airspace for which New Zealand has accepted responsibility under international civil aviation agreements.”	(1) “airspace within the territorial limits of the Cook Islands”
Explanation of Change: The new definition defines the area where the Cook Islands remains the sovereign authority	

NZCAR Subpart B-Controlled Airspace	
Delete: 71.51 (b)	Insert:
<p>“(b) If another ICAO Contracting State provides an air traffic control service for any portion of airspace within the Auckland Oceanic Flight Information Region, the Director must—</p> <p>(1) designate that portion of airspace as a control area or a control zone in accordance with this Subpart after consulting with the other State; and</p> <p>(2) classify that portion of airspace as Class A, B, C, D, or airspace in accordance with Subpart C.”</p>	<p>“(b) In the portion of airspace within the Auckland Oceanic Flight Information Region, which is within the territorial limits of the Cook islands, the Director must—</p> <p>(1) ensure consultation with New Zealand to ensure that the classification of the airspace is in conformity with ICAO requirements and acceptable to both the Cook Islands and New Zealand. “</p> <p>All relevant Rules are to be read subject to this provision.</p> <p>.</p>
<p>Explanation of Change:</p> <p>The new provision recognises that New Zealand is unable to promulgate Rules which cover another countries sovereign airspace. However, for Air Traffic management purposes that airspace designation needs to be in accordance with ICAO standards and New Zealand and the Cook islands need to agree.</p>	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 71.155 Military operating areas
Delete: 71.155
<p>71.155 Military operating areas</p> <p>(a) The Director may—</p> <p>(1) designate a portion of airspace as a military operating area to segregate military activities from other traffic; and</p> <p>(2) impose conditions under which—</p>

- (i) aircraft may be permitted to fly within that military operating area; and
- (ii) an administering authority specified under paragraph (b)(2) must operate.
- (b) The Director must—
- (1) specify the type of activity for which each military operating area is designated; and
- (2) specify the administering authority responsible for each military operating area; and
- (3) identify each military operating area by the ICAO nationality letters of the applicable State followed by the letter “M” followed by a number.
- (c) The administering authority responsible for a military operating area—
- (1) must manage—
- (i) the entry of aircraft into the military operating area; and
- (ii) the operation of aircraft within the military operating area; and
- (iii) the exit of aircraft from the military operating area; and
- (2) if the military operating area is designated as being made active by NOTAM, must at least 24 hours before the military operating area is to become active, give to the New Zealand NOTAM Office notice of that military operating area becoming active, except that in the case of emergencies less than 24 hours’ notice may be given; and
- (3) may, within any conditions imposed by the Director under paragraph (a) (2) (ii), impose conditions under which an aircraft may be operated within the military operating area.

Explanation of Change:

Not applicable to the Cook Islands.

NZCAR 71.163 Low Flying Zones

Delete: 71.163

71.163 Low flying zones

- (a) The Director may designate a portion of airspace as a low flying zone where pilot training in low level manoeuvres may be conducted.
- (b) The Director must—
- (1) nominate a using agency responsible for—
- (i) briefing pilots on the associated conditions of use agreed with the registered owner or administrator of the land or water below the low flying zone; and
- (ii) complying with paragraphs (e) and (f); and
- (2) identify each low flying zone by ICAO nationality letters of the applicable State followed by the letter “L” followed by a number.
- (c) A low flying zone may only be active during the day.

(d) The vertical limits of a low flying zone must extend from the surface of the earth to a height of 500 feet.

(e) The Director may not designate a portion of airspace as a low flying zone unless the using agency nominated for the low flying zone—

(1) provides the Director with a map or chart on which the boundaries of the low flying zone are defined; and

(2) satisfies the Director that the registered owner or administrator of the land or water below the low flying zone consents to the portion of airspace above their land or water being used for low flying; and

(3) provides the Director with full details of consultation with other airspace users.

(f) A using agency nominated under paragraph (b) (1) must satisfy the Director, if requested to, that the using agency continues to have the consent referred to in paragraph (e) (2).

Explanation of Change:

Not necessary or desirable within the Cook Islands environment.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to Cook Island of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule is intended to apply only to those areas within the territorial limits of the Cook Islands. Any provisions external to that are not applicable. All matters of overlap between the NZCAR's and the CICAR's will be met by discussion between the parties and in accord with 71.51(b).

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 71 Original Issue: 1 January 1998
- Amendment 1; 8 August 2002
- Amendment 2; 5 August 2004
- Amendment 3; 11 May 2006
- Amendment 4; 23 October 2008

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Cook Island.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 77
Objects and Activities Affecting Navigable Airspace

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 77 Objects and Activities Affecting Navigable Airspace

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 77** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule affects those persons proposing to construct or alter a structure that could pose a hazard to navigable airspace and also sets the rules around the use of structures, lights, lasers, weapons, or pyrotechnics that could pose a hazard in navigable airspace.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 77 of the New Zealand Civil Aviation Rule (Consolidated version dated 1 April 2014) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 77

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “territorial limits of New Zealand” substitute “territorial limits of the Cook Islands”
- For “Form CAA” substitute “Form MOT”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 77.1 Purpose	
Delete: (a) and (b)	Insert: (a) and (b)
<p>(a) “Subject to paragraph (b), this Part prescribes rules for persons within the territorial limits of New Zealand, including the New Zealand Defence Force, proposing “</p> <p>(b) “This Part does not apply to— (1) any member of the New Zealand Defence Force or any aircraft operated by the New Zealand Defence Force acting in connection with— (i) any war or other like emergency; or (ii) the defence of New Zealand and other New Zealand interests; or (iii) aid to the civil power in time of emergency; or</p>	<p>(a)“ Subject to paragraph (b), this Part prescribes rules for persons within the territorial limits of the Cook Islands, proposing”</p> <p>b) “This Part does not apply to— (1) any aircraft being operated in connection with— (i) any war or other like emergency; or (ii) the defence of the Cook Islands and other Cook Island interests; or (iii) aid to the civil power in time of emergency; or (iv) the provision of any public service; or</p>

(iv) the provision of any public service; or (v) any operation performed within a restricted, danger, or military operating area designated under Part 71 for military purposes; and”	(v) any operation performed within a restricted, or danger area designated under Part 71; and”
Explanation of Change: Applying the Rule to circumstances relevant to the Cook Islands and deleting mention of the new Zealand Defence Force.	

NZCAR 77.3 Definition	
Delete:	Insert:
“ Navigable airspace means airspace at or above the minimum flight altitudes prescribed by or under the Civil Aviation Rules, including all legitimate low level operations but not including restricted, danger, and military operations areas activated for use by the New Zealand Defence Force:”	“ Navigable airspace means airspace at or above the minimum flight altitudes prescribed by or under the Civil Aviation Rules, but not including restricted, and danger, or activated for use in defence exercises”
Explanation of Change: Applying the Rule to circumstances relevant to the Cook Islands	

NZCAR 77.3 Definition	
Delete:	Insert:
“ NZS/AS 2211 means the New Zealand standards for laser safety approved by the Standards Authority under the provisions of the Standards Act 1988:”	NZS/AS 2211 means the current New Zealand standards for laser safety approved by the Standards Authority in New Zealand:”
Explanation of Change: Applying the Rule to circumstances relevant to the Cook Islands	

NZCAR 77.5 Notice of construction or alteration of structure	
Delete: 77.5(4)(iii)	Insert: 77.5(4)(iii)
“(iii) as defined in the local district scheme”	“(iii) as defined in any district plan covering the area”
Explanation of Change: Applying the Rule to circumstances relevant to the Cook Islands	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 77 Original Issue: 1 April 1997
- Amendment 1; 5 August 2004
- Amendment 2; 22 June 2006
- Amendment 3; 25 March 2010
- Amendment 4; 1 April 2014

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Cook Island.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Island Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 91
General Operating and Flight Rules

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 91, General Operating and Flight Rules

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 91** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule sets the general operating and flight rules for the Cook Islands aviation environment. The intent is to ensure that the safe operation of aircraft is possible with the minimum endangerment to persons and property

The Rules apply to all operators of aircraft as well as passengers by establishing:

- general rules applicable to operators and passengers
- operating and general flight rules
- rules for VFR and IFR operations
- instruments and equipment requirements for aircraft
- operator maintenance requirements
- special flight operating requirements such as aerobatics, air displays, towing gliders and aircraft used for parachuting
- operating foreign registered aircraft
- limitations on aircraft noise

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 91 of the New Zealand Civil Aviation Rule (Consolidated version dated 30 October 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 91

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Government of New Zealand” substitute “Government of the Cook Islands”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “AIPNZ “ substitute “AIPCI”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For the “New Zealand FIR” substitute the “Cook island sovereign airspace”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 91.15 Fuelling of aircraft	
Delete:	Insert:
“(1) fuelling or defuelling of the aircraft is performed in compliance with the applicable requirements of the regulations made under the Hazardous Substances and New Organisms Act 1996; and”	“(1) fuelling or defuelling of the aircraft is performed in compliance with the requirements in place in the Cook Islands for the regulation of hazardous substances; and ”
Explanation of Change: Removal of reference to NZ legislation.	
NZCAR A 12 First Aid Kits	
Delete: 4(1)	Insert: 4(1)
“(i) in accordance with regulation 28 of the Misuse of Drugs Regulations 1977; and”	(i) in accordance with the Narcotics and Misuse of Drugs Act 2004; and”
Explanation of Change:	

Removal of reference to NZ legislation.

NZCAR 91.111 Documents to be carried

Delete: 91.1114(1)

“(i) the General User Radio Licence for Aeronautical Purposes issued by the Ministry of Business, Innovation and Employment:”

Insert: 91.1114(1)

“(i) the General User Radio Licence for Aeronautical Purposes issued by Bluesky Cook Islands on behalf of the Government of the Cook Islands;”

Explanation of Change:

Changed the referencing to make it applicable in the Cook islands. Bluesky Cook Islands is the agency assigned to Radio Licences in the Cook Islands.

NZCAR 91.313 VFR cruising altitude and flight level

Delete: 91.313(a)

“(a) A pilot-in-command of an aircraft operating within the New Zealand FIR under VFR in level cruising flight at more than 3000 feet AMSL or 1000 feet AGL (whichever is the higher) must, unless otherwise authorised by an ATC unit, maintain the following altitudes or flight levels:

(1) when operating at or below 13 000 feet AMSL and—

(i) on a magnetic track of 270° clockwise to 089°, any odd thousand foot altitude AMSL plus 500 feet; or

(ii) on a magnetic track of 090° clockwise to 269°, any even thousand foot altitude AMSL plus 500 feet:

(2) when operating at or above flight level 150, up to and including flight level 275 and—

(i) on a magnetic track of 270° clockwise to 089°, any odd flight level plus 500 feet beginning at and including flight level 155;

Insert: 91.313(a)

“(a) A pilot-in-command of an aircraft operating within the Cook Islands sector of the Oceanic FIR and for flight levels above that sector to FL460 under VFR in level cruising flight at more than 3000 feet AMSL or 1000 feet AGL (whichever is the higher) must, unless otherwise authorised by an ATC unit, maintain the following altitudes or flight levels:

(1) when operating at or below 13 000 feet AMSL and—

(i) on a magnetic track of 000° clockwise to 179°, any odd thousand foot altitude AMSL plus 500 feet; or

(ii) on a magnetic track of 180° clockwise to 359°, any even thousand foot altitude AMSL plus 500 feet:

(2) when operating at or above flight level 150, up to and including flight level 235 and—

(i) on a magnetic track of 000° clockwise to 179°, any odd flight level plus 500 feet

or (ii) on a magnetic track of 090° clockwise to 269°, any even flight level plus 500 feet beginning at and including flight level 165.	beginning at and including flight level 155; or (ii) on a magnetic track of 180° clockwise to 359°, any even flight level plus 500 feet beginning at and including flight level 165.
Explanation of Change: Changed the referencing to make it applicable in the Cook Islands.	

NZCAR 91.425 IFR cruising altitude or flight level	
Delete: 91.425(a)	Insert: 91.425(a)
<p>“ (a) A pilot-in-command of an aircraft within the New Zealand FIR operating under IFR in level cruising flight must, unless otherwise authorised by an ATC unit for flights in controlled airspace, maintain the following altitude or flight levels:</p> <p>(1) when operating at or below 13 000 feet AMSL and—</p> <p>(i) on a magnetic track of 270° clockwise to 089°, any odd thousand foot altitude AMSL; or</p> <p>(ii) on a magnetic track of 090° clockwise to 269°, any even thousand foot altitude AMSL:</p> <p>(2) when operating at or above flight level 150 up to and including flight level 410 and—</p> <p>(i) on a magnetic track of 270° clockwise to 089°, any odd flight level beginning at and including flight level 150; or</p> <p>(ii) on a magnetic track of 090° clockwise to 269°, any even flight level beginning at and including flight level 160:</p> <p>(3) when operating above flight level 410 and—</p> <p>(i) on a magnetic track of 270° clockwise to 089°, any odd flight level, at 4000 foot intervals beginning at and including flight</p>	<p>“ (a) A pilot-in-command of an aircraft within the New Zealand FIR operating under IFR in level cruising flight must, unless otherwise authorised by an ATC unit for flights in controlled airspace, maintain the following altitude or flight levels:</p> <p>(1) when operating at or below 13 000 feet AMSL and—</p> <p>(i) on a magnetic track of 000° clockwise to 179°, any odd thousand foot altitude AMSL; or</p> <p>(ii) on a magnetic track of 180° clockwise to 359°, any even thousand foot altitude AMSL:</p> <p>(2) when operating at or above flight level 150 up to and including flight level 410 and—</p> <p>(i) on a magnetic track of 000° clockwise to 179°, any odd flight level beginning at and including flight level 150; or</p> <p>(ii) on a magnetic track of 180° clockwise to 359°, any even flight level beginning at and including flight level 160:</p> <p>(3) when operating above flight level 410 and—</p> <p>(i) on a magnetic track of 000° clockwise to 179°, any odd flight level, at 4000 foot intervals beginning at and including flight</p>

level 450; or (ii) on a magnetic track of 090° clockwise to 269°, any odd flight level at 4000 foot intervals beginning at and including flight level 430.	level 450; or (ii) on a magnetic track of 180° clockwise to 359°, any odd flight level at 4000 foot intervals beginning at and including flight level 430.”
Explanation of Change: Changed the referencing to make it applicable in the Cook Islands.	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in Cook Island

NZCAR Sub Part A – General 91.1 Purpose
Delete: 91.1(b) and (c) (1) and (d) Note: 91(c) 2),(2A) and (3) still apply
<p>91.1(b) “Subject to paragraphs (c)(1) and (d), the following rules also apply to members of the New Zealand Defence Force and any aircraft operated by the New Zealand Defence Force within the territorial limits of New Zealand:</p> <p>(1) Rule 91.129: (2) Rules 91.223 to 91.225, when operating in the vicinity of civil aircraft: (3) Rule 91.229, when operating in the vicinity of civil aircraft: (4) Rule 91.233: (5) Rule 91.241: (6) Rules 91.245 to 91.247: (7) Rule 91.309: (8) Rule 91.313: (9) Rules 91.407 to 91.411: (10) Rules 91.425 to 91.427: (11) Rule 91.431: (12) Rule 91.541.”</p> <p>91.1(c) “This Part does not apply to—</p> <p>(1) any member of the New Zealand Defence Force or any aircraft operated by the New Zealand Defence Force acting in connection with—</p> <p>(i) any war or other like emergency; or (ii) the defence of New Zealand and other New Zealand interests; or (iii) aid to the civil power in time of emergency; or (iv) the provision of any public service; or (v) any operation performed within a restricted, danger, or military operating area designated under Part 71 for military purposes; and”</p>

91.(1)(d) “The following rules do not apply to any member of the New Zealand Defence Force or any aircraft operated by the New Zealand Defence Force performing training for an operation specified in paragraph (c)(1) if that training cannot be performed in accordance with the rule:

(1) Rule 91.225(b):

(2) Rule 91.233:

(3) Rule 91.313, if training outside controlled airspace:

(4) Rule 91.407, if training outside controlled airspace:

(5) Rule 91.427, if training outside controlled airspace.

(e) The following rules do not apply in the case of air operations conducted in New Zealand under an Australian AOC with ANZA privileges:

(1) 91.111(1):

(2) 91.112:

(3) 91.115:

(4) 91.121:

(5) 91.123:

(6) 91.201(1)(i):

(7) 91.201(3):

(8) 91.205:

(9) 91.207:

(10) 91.209:

(11) 91.211:

(12) 91.213:

(13) 91.215:

(14) 91.221:

(15) 91.401:

(16) 91.501:

(17) 91.503:

(18) 91.505:

(19) 91.507:

(20) 91.509:

(21) 91.511:

(22) 91.513:

(23) 91.515:

(24) 91.517:

(25) 91.519:

(26) 91.521:

(27) 91.523:

(28) 91.525:

(29) 91.527:

(30) 91.529:

- (31) 91.531:
 (32) 91.533:
 (33) 91.537:
 (34) 91.539:
 (35) 91.543:
 (36) 91.545:
 (37) 91.707.”

Explanation of Change:

Not applicable to the Cook Islands.

NZCAR 91.9 Carriage and discharge of firearms**Delete:**

Remove all reference to “law enforcement agency, “military service” And “Chief of Defence Force.”

Explanation of Change:

No longer required.

NZCAR 91.107 Aircraft registration**Delete: 91.107(3)**

(3) the appropriate authority of another State that is party to an agreement with the Government of New Zealand or the Civil Aviation Authority of New Zealand, which provides for the acceptance of each other’s registrations.

Explanation of Change:

Removes the references to New Zealand agreements.

NZCAR 91.131 Low Flying Zones**Delete: 91.131****“ 91.131 Low flying zones**

- (a) A pilot must not operate an aircraft within a low flying zone designated under Part 71 —
- (1) during the night; or
 - (2) during the day unless—
 - (i) the pilot—
 - (A) is receiving dual flight instruction; or

(B) holds an instructor rating issued under Part 61; or
 (C) is briefed on the boundaries of the low flying zone and the method of entry and exit from the low flying zone and is authorised for that flight by the holder of an instructor rating issued under Part 61; and
 (ii) the pilot has been briefed by the using agency on the conditions of operation for flight within the low flying zone; and
 (iii) the pilot complies with the conditions of operation for flight within the low flying zone; and
 (iv) before entering the low flying zone, the pilot broadcasts on the appropriate VHF frequency details of the flight and the proposed duration in the low flying zone; and
 (v) the pilot maintains a listening watch on the appropriate VHF frequency while in the low flying zone and broadcasts or reports on vacating the low flying zone.
 (b) A pilot operating an aircraft within a low flying zone designated under Part 71 must ensure that the aircraft is operated without hazard to persons or property on the surface.
 (c) A pilot operating an aircraft within a low flying zone designated under Part 71 must not carry a passenger on the aircraft.”

Explanation of Change:

There are no low flying zones in the Cook Islands (see Part 71)

NZCAR Part 91.133 Military operating areas

Delete: 91.133 Military operating areas

91.133 “Military operating areas

A pilot must not operate an aircraft within a military operating area designated under Part 71 unless the pilot—

(1) has the approval of the administering authority responsible for the military operating area—

(i) to operate a New Zealand registered aircraft within the military operating area; or
 (ii) to operate a foreign aircraft within any portion of the military operating area that is within the territorial limits of New Zealand; and

(2) complies with any conditions promulgated for operation within the military operating area; and

(3) complies with any conditions imposed by the administering authority for operation within the military operating area.”

Explanation of Change:

Not relevant in the Cook Islands.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 91 Original Issue: 1 April 1997
- Amendment 1; 25 December 1997
- Amendment 2; 25 December 1997
- Amendment 3; 1 January 1998
- Amendment 4; 23 April 1998
- Amendment 5; 15 July 1999
- Amendment 6; 24 January 2002
- Amendment 7: 1 July 2002
- Amendment 8; 28 July 2003
- Amendment 9; 1 August 2003
- Amendment 10; 1 June 2004
- Amendment 11; 5 August 2004
- Amendment 12; 25 November 2004
- Amendment 13; 11 May 2006
- Amendment 14; 22 June 2006
- Amendment 15; 1 March 2007
- Amendment 16; 30 March 2007
- Amendment 17; 25 October 2007
- Amendment 18; 22 November 2007
- Amendment 19; 23 October 2008
- Amendment 20; 3 December 2009
- Amendment 21; 25 March 2010
- Amendment 22; 10 November 2011
- Amendment 23; 1 April 2014
- Amendment 24: 1 August 2015
- Amendment 25; 24 September 2015

-
- Amendment 26; 15 April 2016
 - Amendment 27; 10 March 2017
 - Amendment 28; 30 October 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Island Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

**NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 92
Carriage of Dangerous Goods**

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 92 Carriage of Dangerous Goods

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 92** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule relates to the carriage of dangerous goods by air.

The Rule does not apply to articles or substances that are:

- specifically excluded under Part One in the Technical Instructions
- required to be aboard an aircraft in accordance with the airworthiness or operational requirements of the Civil Aviation Rules
- approved by the Director to meet special operational requirements.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 92 of the New Zealand Civil Aviation Rule (Consolidated version dated 22 June 2006) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 92

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 92.3 Definitions	
Delete: Approved Handler	Insert: Approved Handler
“Approved handler has the same meaning as in the Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001.”	“Approved handler has the same meaning as in the New Zealand Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001.”
Explanation of Change: Reference to the New Zealand legislation. While this is not ideal. Approved handler is not defined elsewhere	

NZCAR 92.3 Definitions	
Delete: Telarc	Insert: Telerc
“Telarc means the Testing Laboratory Registration Council established by section 3 of the Testing Laboratory Registration Act 1972.”	“Telerc means the Council established in New Zealand under the New Zealand Testing Laboratory Registration Act 1972.”
Explanation of Change:	

Reference to the Cook Islands legislation.
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NZCAR 92.3 Definitions	
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Delete: Postal article	Insert: Postal article
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“ Postal article has the same meaning as in the Postal Services Act 1998:”	“ Postal article has the same meaning as in the Telecommunications Act 1989”
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Explanation of Change:	
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Reference to the Cook Islands legislation.	
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NZCAR SubPart B- Packaging, Packing, Marking, and Labelling	
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Delete: 92.51(a)(3)(iii)	Insert: 92.51(a)(3)(iii)
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“for class 7 dangerous goods, approved by the National Radiation Laboratory of the Ministry of Health; and”	“for class 7 dangerous goods, approved by the Ministry of Internal Affairs; and “
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Explanation of Change:	
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Reference to the Cook Islands Ministry.	
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(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Island

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 92 Original Issue: 14 November 1995

-
- Amendment 1; 1 April 1997
 - Amendment 2; 22 June 2006

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 93
Special Aerodrome Traffic Rules and Noise Abatement Procedures

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 93 Special Aerodrome Traffic Rules and Noise Abatement Procedures

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 93** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule provides for:

- aerodrome traffic rules that are additional to, and exceptions from, the general operating and flight rules prescribed in Rule Part 91;
- the Director to issue a determination on the requirement for a right-hand aerodrome traffic circuit; and
- Aerodrome noise abatement procedures.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 93 of the New Zealand Civil Aviation Rule (Consolidated version dated 24 September 2015) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 93

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “AIPNZ” substitute “AIPCI”

Below, “NZCAR” means New Zealand Civil Aviation Rule

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

NZCAR Subpart B, C, D, E, F G and Appendix A, B and C
Delete: All -
All Parts above to be deleted. The remaining Parts in force are, with the modification above: Subpart A – General and; Subpart H - Right-Hand Aerodrome Traffic Circuits Appendix D –Noise Abatement Departure Profiles
Explanation of Change: Reference to specific provision for New Zealand aerodromes have been deleted. Currently there are no specific provisions considered for aerodromes in the Cook Islands.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 93 Original Issue: 1 April 1997
 - Amendment 1; 30 April 1999
 - Amendment 2; 9 January 2004
 - Amendment 3; 11 May 2006
 - Amendment 4; 23 October 2008
 - Amendment 5; 25 March 2010
 - Amendment 6; 1 April 2014
 - Amendment 7; 24 September 2015

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used. [Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 95
Instrument Flight Procedures - Registration

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

**Cook Island Civil Aviation Rule (CICAR): Part 95 Instrument Flight Procedures -
Registration**

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 95** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule governs the promulgation of instrument flight procedures for use by aircraft operating under instrument flight rules (IFR) in the airspace within the territorial limits of the Cook Islands.

Commencement of Rule into Force

This Rule, as modified below, comes into force on 1st July 2018.

Availability of Rules

A copy of Part 95 of the New Zealand Civil Aviation Rule (Consolidated version dated 25 March 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 95

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form Ministry of Transport”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”
- For “New Zealand Air Navigation Register” or “NZANR” substitute “Cook Island Air Navigation Register “ or “CIANR”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 95.53 Entry of details into NZ Air Navigation Register	
Delete: 95.53(a)	Insert: 95.53(a)
<p>“Subject to paragraph (b) the following details of every instrument flight procedure that is intended for use by aircraft operating under IFR in the New Zealand FIR or the Auckland Oceanic FIR must be entered into the NZANR by the Director”</p>	<p>“Subject to paragraph (b) the following details of every instrument flight procedure that is intended for use by aircraft operating under IFR in the airspace within the Cooks Sector of the Auckland Oceanic FIR must be entered into the CIANR by the Director”</p>
<p>Explanation of Change: This makes reference to the correct area of airspace relevant to the Cook Islands. Whilst in other Parts there has been reference to the sovereign airspace of the Cook islands this wider reference is applicable here when it is making reference to the entry in the navigation register.</p>	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

NZCAR 95.51 Promulgation of Instrument Flight Procedures
Delete: 95.51(b)
“(b) In this Part reference to the Auckland Oceanic FIR excludes those portions of airspace within the Auckland Oceanic FIR where an individual State has an agreement with New Zealand to regulate the State’s IFR flight procedures.
Explanation of Change: Not applicable to the Cook Islands.

NZCAR Appendix A –Transitional arrangements
Delete: 95.59 Transition
95.59 “Transition (a) Subject to paragraph (b), the requirements of rules 95.51 and 95.53(a) do not apply to an instrument flight procedure which is used for IFR flight and is published in the AIPNZ as of the 23 October 2008 until 23 October 2009. (b) An instrument flight procedure which is published in the AIPNZ as of the 23 October 2008 is deemed to have been notified in the Gazette in accordance with rule 95.55(a) (2). “
Explanation of Change: No longer required.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 95 Original Issue: 23 October 2008
- Amendment 1; 25 March 2010

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 100
Safety Management

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 100 Safety Management

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates, by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 100** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

The objective of this Rule is to improve the Cook Island's aviation safety performance in a way that embeds an effective safety culture in aviation organisations; and to ensure the Cook Islands meets its international obligations as a signatory to the Convention on International Civil Aviation.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 100 of the New Zealand Civil Aviation Rule (Consolidated version dated 1 February 2016) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 100

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Nil

(iii) Any general exemptions which will apply in the Cook Islands.

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

Nil

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Nil

This Rule Part adopts the New Zealand Rule in force as at 18th April 2018.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Island Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 101
Gyrogliders and Parasails, Unmanned Aircraft (including Balloons), Kites, and Rockets
– Operating Rules.

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 101 Gyrogliders and Parasails, Unmanned Aircraft (including Balloons), Kites, and Rockets – Operating Rules.

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 101** in force as at April **2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule covers the operating procedures for:

- unmanned aircraft, including;
- moored balloons
- free balloons
- remotely piloted aircraft
- control line model aircraft
- free flight model aircraft
- kites,
- rockets,
- gyrogliders, and
- parasails.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 101 of the New Zealand Civil Aviation Rule (Consolidated version dated 10 March 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 101

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “AIPNZ” substitute “AIPCI”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 101.57 (b)(6); and 101.117(a); and 101.117(c); and 101.161; and 101.207(c)9(2); and 101.255(3)	
Delete:	Insert:
“the New Zealand NOTAM office”	“The Rarotonga ATS Authority for transmission to the NOTAM provider service for the Cook Islands”
Explanation of Change: The New Zealand references are changed to Cook island references.	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands.

NZCAR Part 101.7 Restricted, military operating and danger areas
Delete: “ military operating” and 101.7(b)
(b) “A person must not operate an unmanned aircraft, kite, rocket, gyroglider, or parasail within a military operating area designated under Part 71 unless the person has approval to do so from the administering authority responsible for the military operating area.”

Explanation of Change:

Not applicable in the Cook Islands as the CI has not designated any military operating areas.

NZCAR Part 101.9 Low Flying Zones**Delete: 101.9**

“A person must not operate any of the following within a low flying zone designated under Part 71:

- (1) an unmanned aircraft:
- (2) a kite:
- (3) a rocket:
- (4) a gyroglider:
- (5) a parasail. “

Explanation of Change:

Not applicable in the Cook Islands as the CI has not designated any low flying areas.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 101 Original Issue: 1 April 1997
- Amendment 1; 5 August 2004
- Amendment 2; 22 June 2006
- Amendment 3; 30 August 2007
- Amendment 4; 10 November 2011

-
- Amendment 5; 1 April 2014
 - Amendment 6; 1 August 2015
 - Amendment 7; 24 September 2015
 - Amendment 8; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 102
Unmanned Aircraft Operator Certification

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 102 Unmanned Aircraft Operator Certification

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 102** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule sets the requirements for the certification and operation of unmanned aircraft outside of Rule Part 101.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 102 of the New Zealand Civil Aviation Rule (Consolidated version dated 24 September 2015) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 102

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “AIPNZ” substitute “AIPCI”
- For “section 8 of the Act” substitute “section 27 of the 2002 Act”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”
- For “section 7(3) of the Act 102.27” substitute “section 26(3) of the 2002 Act”

Below, “NZCAR” means New Zealand Civil Aviation Rule

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands.

NZCAR 102.27 Transitional provisions
Delete:
102.27 “Transitional provisions (a) Despite rule 102.7 an authorisation to operate a pilotless aircraft issued under Part 19, rule 19.105 that was valid immediately before 1 August 2015 may continue to be used until 1 February 2016 unless it expires or is suspended or revoked. (b) An authorisation in paragraph (a) is deemed to be a certificate granted under this Part while it remains valid and any condition on that authorisation is deemed to have been imposed under rule 102.13(b)”
Explanation of Change: No longer required.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 101 Original Issue: 1 August 2015
- Amendment 1; 24 September 2015

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used. [Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 103
Microlight Aircraft – Operating Rules

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 103 Microlight Aircraft – Operating Rules

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 103** in force as at 18th April **2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule prescribes the operating rules for microlight aircraft which are additional to, or exceptions from Part 91, together with airworthiness and maintenance for microlight aircraft.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 103 of the New Zealand Civil Aviation Rule (Consolidated version dated 10 November 2011) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 103

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “AIPNZ” substitute “AIPCI”
- For “section 8 of the Act” substitute “section 27 of the 2002 Act”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”
- For “section 7(3) of the Act” substitute “section 26(3) of the 2002 Act”

Below, “NZCAR” means the New Zealand Civil Aviation Rule

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin.

Part 61 provides for the issuance of a validation permit for licences and ratings. If the applicant has met all the requirements in Part 61 then they are able to meet the requirements in Part 103.

For example under 103.5 (2) “a current pilot licence issued under Part 61” is deemed to include a validation permit issued under Part 61.

Part 103 is also to be read in conjunction with Part 149 which provides for recreational organisations certificated in NZ to receive certificates in the Cook Islands.

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 103 Original Issue: 11 March 1993
 - Amendment 1; 11 March 1993
 - Amendment 2 ; 1 July 1995
 - Amendment 3; 8 February 1996
 - Amendment 4; 1 April 1997
 - Amendment 5; 22 June 2006
 - Amendment 6; 1 March 2007
 - Amendment 7; 10 November 2011

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used. [Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 104
Gliders – Operating Rules

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 104 Gliders – Operating Rules

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 104** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule prescribes the operating rules for gliders which are additional to, or exceptions from Rule Parts 91 and 43.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 104 of the New Zealand Civil Aviation Rule (Consolidated version dated 1 March 2007) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 104

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “Regulation(s)” substitute “Regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands.

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Cook Island

Nil

(v) Any direction as to the application or non-application to Cook Island of any amendment or repeal of an adopted Rule Part by its country of origin

The modifications to PART 61 and 149 make it easier for the operation of gliders in the Cook Islands. This Rule must be read in conjunction with the requirements and modification to those Parts.

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 104 Original Issue: 1 April 1997
- Amendment 1; 25 December 1997
- Amendment 2 ; 1 July 2002

-
- Amendment 3; 11 May 2006
 - Amendment 4; 22 June 2006
 - Amendment 5; 1 March 2007

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 105
Parachuting – Operating Rules

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 105 Parachuting – Operating Rules

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 105** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule prescribes the operating rules, equipment and maintenance for parachutes, excluding emergency parachute descents and parachute descents that are not executed from an aircraft.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 105 of the New Zealand Civil Aviation Rule (Consolidated version dated 15 December 2012) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 105

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 105.23 descents within military operating areas and restricted areas.	
Delete: 105.23	Insert: 105.23
“A person must not make a parachute descent within a military operating area or a restricted area designated under Part 71 unless they have the approval of the administering authority responsible for the military operating area or the restricted area, as the case may be.”	“A person must not make a parachute descent within a restricted area designated under Part 71 unless they have the approval of the administering authority responsible for the restricted area.”
Explanation of Change: There are no designated military areas in the Cook Islands	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands.

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Cook Island

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule is to be read in conjunction with Rule Part 61 and 149.

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 105 Original Issue: 1 April 1997
- Amendment 1; 1 April 2002
- Amendment 2 ; 5 August 2004
- Amendment 3; 22 June 2006
- Amendment 4; 25 March 2010
- Amendment 5; 10 November 2011
- Amendment 6; 15 December 2012

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used. [Ends]

NOTICE OF RULE MAKING

COOK ISLANDS CIVIL AVIATION RULE PART 106 Hang Gliders – Operating Rules

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 106 Hang Gliding – Operating Rules

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 106** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule sets out the requirements for Hang Gliders which are additional to, or exceptions from Part 91.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 106 of the New Zealand Civil Aviation Rule (Consolidated version dated 1 April 2014) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day of June 2018

Hon. Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 106

1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “Civil Aviation Act 2002 ”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands.

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule is to be read in conjunction with Rule Parts 61 and 149.

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 106 Original Issue: 1 April 1997
- Amendment 1; 1 March 2007
- Amendment 2 ; 25 March 2010
- Amendment 4; 1 April 2014

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 108
Air Operator Security Programme

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 108 Air Operator Security Programme

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 108** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule prescribes the security requirements for air operators performing regular air transport passenger services with aircraft certificated for 10 or more passenger seats to, from and within the Cook islands. It applies to Part 119 and Part 129 operators.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 108 of the New Zealand Civil Aviation Rule (Consolidated version dated 24 September 2015) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 108

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act” except where noted below.
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 108.1 Applicability	
Delete: 108.1	Insert: 108.1
“This Part prescribes rules governing the air operator security programme required by Part 119, Part 129, and for operations conducted under an Australian AOC with ANZA privileges.”	“This Part prescribes rules governing the air operator security programme required by Part 119 and Part 129.”
Explanation of Change: Removes reference to operations not conducted in the Cook Islands.	
NZCAR 108.55 Security requirements- international	
Delete: 108.55(c)(3)	Insert: 108.55(c)(3)
“sections 77A or 77B of the Act”	“section 12 of the Aviation Security Act 2008”
Explanation of Change: Reference to the correct provision in the Cook Island system	

NZCAR 108.63 Screening	
Delete:	Insert
(1) “in the case of aircraft operating from or within New Zealand, by, or under the direct supervision of, the Aviation Security Service, or the holder of an aviation security service certificate issued in accordance with Part 140; and “	“(1) “in the case of aircraft operating from or within the Cook Islands, by, or under the direct supervision of, the Aviation Security Service established by the Minister under section 4(b) of the Aviation Security Act 2008.”
Explanation of Change: Reference to the correct provision in the Cook Islands system	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands.

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 108.65 Air security programme required
Delete: 108.65
<p>“(a) A holder of an Australian AOC with ANZA privileges must establish and implement an air operator security programme that meets the relevant requirements of this Part.</p> <p>(b) The security programme required by paragraph (a) must—</p> <p>(1) identify the person or persons in New Zealand who are responsible for compliance with this Part; and</p> <p>(2) specify the responsibilities of the person or persons referred to in paragraph (1), including the matters for which that person or persons would deal directly with the Director on behalf of the AOC holder.</p> <p>(c) A holder of an Australian AOC with ANZA privileges must—</p> <p>(1) ensure that the holder’s security programme is amended so as to remain a current description of the holder’s operations to, from, or within New Zealand; and</p>

(2) ensure that each amendment made to the holder's security programme meets the applicable requirements of this Part and complies with the amendment procedures contained in the holder's security programme.

(d) A holder of an Australian AOC with ANZA privileges must notify the Director in writing within 7 days of a change to any of the following:

(1) the AOC holder's security programme:

(2) the person or persons referred to in paragraph (b):

(3) the responsibilities of the person or persons referred to in paragraph (b)"

Explanation of Change:

Not applicable to the Cook Islands.

(iii) Any general exemptions which will apply in Cook Island

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Cook Island

Nil

(v) Any direction as to the application or non-application to Cook Island of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 103 Original Issue: 1 April 1997
- Amendment 1; 1 June 2002
- Amendment 2; 1 July 2002
- Amendment 3; 1 June 2004
- Amendment 4; 1 January 2006
- Amendment 5; 30 March 2007
- Amendment 6; 25 October 2007
- Amendment 7; 18 January 2008
- Amendment 8; 9 October 2008
- Amendment 9; 16 January 2013
- Amendment 10; 1 April 2014
- Amendment 11; 24 September 2015

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Cook Island.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 109
Regulated Air Cargo Agent – Certification.

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

**Cook Island Civil Aviation Rule (CICAR): Part 109 Regulated Air Cargo Agent –
Certification**

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 109** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

The purpose of the Rule is to prescribe requirements for the certification and operation of regulated air cargo agents.

This Part prescribes the security controls that are to be applied to cargo and mail carried on international passenger aircraft in order to:

- give the appropriate degree of protection to passengers and crew of international passenger aircraft, and
- preserve the Cook Island's reputation as a safe point of origin for cargo with international aviation partners, and
- meet international treaty obligations under the Convention on International Civil Aviation Annex 17 (Security) that will assist in ensuring the security of civil aviation from and within the Cook Islands.

Part 109 aims to prevent, as far as possible, weapons, explosives or other articles or substances that could be used for committing an act of unlawful interference being loaded as cargo or mail onto international passenger aircraft.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 109 of the New Zealand Civil Aviation Rule (consolidated version dated 9 October 2008) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 109

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA form” or “form CAA” substitute “form MOT”. The Cook Islands Ministry of Transport form numbers are otherwise identical to New Zealand CAA form numbers.
- For “CAA of NZ” substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”
- For “section 7(3) of the Act” substitute “section 26(3) of the 2002 Act”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”
- For “section 77F of the Act” substitute “section 13 of the Aviation Security Act 2008”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR) 109.105 - Changes to certificate holder's organisation	
Delete: 109.105(b)	Insert: 109.105(b)
(b) “If the holder of a regulated air cargo agent certificate changes, or proposes to change, any of the following, the certificate holder must notify the Director prior to the change or as soon as practicable if prior notification is not possible, and the change must be accepted by the Director, including applicable fit and proper person criteria under section 10 of the Act, before being incorporated into the certificate holder’s exposition:”	(b) “If the holder of a regulated air cargo agent certificate changes, or proposes to change, any of the following, the certificate holder must notify the Director prior to the change or as soon as practicable if prior notification is not possible, and the change must be accepted by the Director, including any fit and proper person criteria that the Director might require, before being incorporated into the certificate holder’s exposition:”

Explanation of Change:

Removal of reference to New Zealand legislation. The Cook Islands Act does not specify the fit and proper person criteria.

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 9 October 2008.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Cook Island.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, "CAA Advisory Circulars" means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used. [Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 115
Adventure Aviation, Initial Issue – Certification and Operations

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

**Cook Island Civil Aviation Rule (CICAR): Part 115 Adventure Aviation, Initial Issue-
Certification and Operations**

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 115** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule is for the certification and operation of an adventure aviation operation

The Rule requires adventure aviation operators to be certificated in much the same way as air transport operators who use helicopters and small aeroplanes are required to be certificated under Part 119/135.

In particular, operators need to satisfy the Director, through their exposition, that:

- they have appropriate management systems, structures, and operating procedures in place to ensure compliance with the relevant safety standards;
- employees are appropriately qualified, and trained;
- equipment is appropriate to the task and properly maintained; and key people are fit and proper to undertake their responsibilities.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 115 of the New Zealand Civil Aviation Rule (Consolidated version dated 10 March 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement Part 115

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “AIPNZ” substitute “AIPCI”
- For “section 8 of the Act” substitute “section 27 of the 2002 Act”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands.

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 115.21 Transitional arrangements
Delete: 115.21 (a) and (b)
<p>(a) “Despite rule 115.5, and except for operations using an aircraft issued with a special category airworthiness certificate, a person conducting an adventure aviation operation in a glider immediately before 10 November 2011 is not required to comply with this Part until 1 May 2013”</p> <p>(b) Despite rule 115.101(b) (3) (ii), a holder of an adventure aviation operator certificate that was in force on 15 December 2012 is not required to amend their exposition to include the details required by rule 115.79(a) (8) until 15 March 2013, provided that the certificate holder makes available, at each location specified in their exposition, the details required by rule 115.79(a) (8).</p>
<p>Explanation of Change: No longer required.</p>

NZCAR Part: 115.151 Transition for adventure aviation operator certificate holders and applicants; and

115.153 Transitional organisational management system for adventure operator certificate holders and applicants.

Delete: 115.151 and 115.153

115.151 Transition for adventure aviation operator certificate holders and applicants

(a) This rule applies to each—

- (1) holder of an adventure aviation operator certificate:
- (2) applicant for the grant of an adventure aviation operator certificate.

(b) Before the date for implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with— (1) rule 115.51(b)(1)(iv), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for an organisational management system:

(2) rule 115.77, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an organisational management system that complies with rule 115.153:

(3) rule 115.79(a)(1A)(i):

(4) rule 115.79(a)(3)(ii):

(5) rule 115.79(a) (5A).

(c) A completed CAA form and implementation plan must be submitted to the Director — (1) after 1 February 2016 for an applicant for the grant of an adventure aviation operator certificate under subparagraph (a)(2); and

(2) by 30 July 2018 for a holder of an adventure aviation operator certificate under subparagraph (a) (1).

(d) The implementation plan referred to in paragraph (c) must— (1) include a proposed date for implementation of the system for safety management; and

(2) outline how the organisation plans to implement the system for safety management required under rule 115.77.

(e) The Director will, if acceptable —

- (1) approve the organisation's implementation plan; and
- (2) set the date for implementation of the system for safety management.

(f) In setting the date under subparagraph (e)(2), the Director must have regard to the following: (1) the capability of the organisation:

(2) the complexity of the organisation:

- (3) the risks inherent in the activities of the organisation:
- (4) the date of any certificate renewal:
- (5) any resource or scheduling impacts on the organisation or the Authority or both:
- (6) the date for implementation must not be later than 1 February 2021.
- (g) A holder of an adventure aviation operator certificate does not have to submit an implementation plan with its certificate renewal application.
- (h) This rule expires on 1 February 2021.

115.153 Transitional organisational management system for adventure aviation operator certificate holders and applicants

- (a) The organisational management system required by rule 115.151(b) (1) (ii) must be established to ensure the organisation's compliance with, and the adequacy of, the procedures required by this Part.
- (b) The organisational management system procedures must be of sufficient detail when considering the size and complexity of the operation to ensure that the appropriate organisational procedures are understood, implemented, and maintained at all levels of the organisation.
- (c) The organisational management system must include—
 - (1) a safety policy and safety policy procedures, including the procedure for occurrence investigations conducted under Part 12; and
 - (2) a procedure for ensuring that personnel and customer feedback are monitored to identify existing problems or potential causes of problems within the system; and
 - (3) a procedure for ensuring that problems, or potential problems, that have been identified within the system are— (i) corrected; and
 - (ii) checked to ensure that any corrections have been effective; and
 - (4) a procedure for hazard identification; and
 - (5) a procedure for risk assessment and mitigation; and
 - (6) a procedure for checking that the organisation's programmes and procedures achieve the stated aims of its safety policy; and
 - (7) a procedure for ensuring that the management of the organisation continues to be effective in satisfying the requirements of this Part, including— (i) a regular plan of review; and
 - (ii) regular feedback to personnel including the results of the review and any actions

undertaken to correct problems identified.

(d) The senior person who is responsible for the organisational management system must communicate with the chief executive on matters affecting safety.

(e) Paragraph (c) does not apply to an applicant for the grant of an adventure aviation operator certificate that intends to conduct adventure aviation operations—

(1) with a total of 3 or fewer aircraft listed on the applicant's operations specifications; and

(2) from a total of 2 or fewer bases.

(f) This rule expires on 1 February 2021.

Explanation of Change:

Not required as there are no adventure aviation operations currently in the Cook Islands.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

NZCAR 115.659 Pilot qualification requirements – hang glider and paraglider

Insert addition to 115.659(2)

After “and Part 67” add

“or has the equivalent of a class 2 medical from any ICAO contracting State and the Director is satisfied that all the conditions of that medical are being met and the Director is able to continue monitoring that compliance.”.

Explanation of Change:

Currently the Cook Islands does not have a medical certification Unit. Accordingly this allows the Director to accept a foreign medical certification if satisfied of certain matters.

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 115 Original Issue: 10 November 2011
- Amendment 1; 15 December 2012
- Amendment 2; 24 September 2015
- Amendment 3; 1 February 2016
- Amendment 4; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 119
Air Operator - Certification

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 119 Air Operator - Certification

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 119** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule sets the certification requirements for persons conducting air operations. Air operations include Air Transport Operations (ATO) .This is defined in Rule Part 2 as:

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

- 1) a commercial transport operation:
- 2) an adventure aviation operation:
- 3) a helicopter external load operation under Part 133:
- 4) an agricultural aircraft operation under Part 137:
- 5) a trial flight. “

and Commercial Transport Operations (CTO) defined in Rule Part 2 as:

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

- 1) where—
 - i. each passenger is performing, or undergoing training to perform, a task or duty on the operation; or
 - ii. the passengers or goods are carried to or from a remote aerodrome—
- 2) except those operations in paragraph (1) that are—
 - i. a helicopter external load operation conducted under Part 133; or
 - ii. an agricultural aircraft operation conducted under Part 137:”

The Rule introduces two levels of certification:

- airline air operator certification that permits air operations in all sizes of aircraft; and
- general aviation air operator certification that permits air operations in helicopters, and aeroplanes with nine or less passenger seats

Part 119 adopts the ICAO standards for the certification of air operators and follows the layout for the rule parts relating to the certification of organisations.

The layout prescribes specific requirements for the certification (entry standards), operation (continued operations), and safety audit (surveillance) of operators carrying out air operations

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 119 of the New Zealand Civil Aviation Rule (Consolidated version dated 10 March 2007) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enuā)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enuā)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 119

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 119.201 Transition for airline air operator certificate holders and applicants performing Part 121 or Part 125 operations	
Delete: 119.201(c); 119.201(f)(6); 119.201(h)	Insert: 119.201(c); 119.201(f)(6); 119.201(h)
<p>“(c) A completed CAA form and implementation plan must be submitted to the Director—</p> <p>(1) after 1 February 2016 for an applicant for the grant of an airline air operator certificate under subparagraph(a)(2); and</p> <p>(2) by 30 July 2016 for a holder of an airline air operator certificate under subparagraph (a) (1). “</p> <p>“(f) In setting the date under rule subparagraph (e)(2), the Director must have regard to the following:</p> <p>...</p> <p>(6) the date for implementation must not be later than 1 February 2018. “</p>	<p>“(c) A completed CAA form and implementation plan must be submitted to the Director—</p> <p>(1) by 1 October 2018 for an applicant for the grant of an airline air operator certificate under subparagraph(a)(2); and</p> <p>(2) by 1 February 2019 for a holder of an airline air operator certificate under subparagraph (a) (1). “</p> <p>“(f) In setting the date under rule subparagraph (e)(2), the Director must have regard to the following:</p> <p>...</p> <p>(6) the date for implementation must not be later than 1 February 2021 “</p>

“(h) This rule expires on 1 February 2021”	“(h) This rule expires on 1 February 2021”
Explanation of Change: Operators in the Cook Islands need further time to implement the SMS requirements.	
NZCAR 119.203 Transition for airline air operator certificate holders and applicants performing Part 135 operations	
Delete: 119.203(c); 119.201(f)(6)	Insert: 119.203(c); 119.203(f)(6)
“(c) A completed CAA form and implementation plan must be submitted to the Director— (1) after 1 February 2016 for an applicant for the grant of an airline air operator certificate under subparagraph(a)(2); and (2) by 30 July 2016 for a holder of an airline air operator certificate under subparagraph (a) (1). “ “(f) In setting the date under rule subparagraph (e)(2), the Director must have regard to the following: ... (6) the date for implementation must not be later than 1 February 2018. “	“(c) A completed CAA form and implementation plan must be submitted to the Director— (1) by 1 October 2018 for an applicant for the grant of an airline air operator certificate under subparagraph(a)(2); and (2) by 1 February 2019 for a holder of an airline air operator certificate under subparagraph (a) (1). “ “(f) In setting the date under rule subparagraph (e)(2), the Director must have regard to the following: ... (6) the date for implementation must not be later than 1 February 2021“
Explanation of Change: Operators in the Cook Islands need further time to implement SMS requirements.	

NZCAR 119.207 Transition for general aviation air operator certificate holders and applicants	
Delete: 119.207(c); 119.201(f)(6)	Insert: 119.207(c); 119.203(f)(6)
“(c) A completed CAA form and implementation plan must be submitted to the Director—	“(c) A completed CAA form and implementation plan must be submitted to the Director—

<p>(1) after 1 February 2016 for an applicant for the grant of an airline air operator certificate under subparagraph(a)(2); and (2) by 30 July 2016 for a holder of an airline air operator certificate under subparagraph (a) (1). “</p> <p>“(f) In setting the date under rule subparagraph (e)(2), the Director must have regard to the following: ... (6) the date for implementation must not be later than 1 February 2018. “</p>	<p>(1) by 1 October 2018 for an applicant for the grant of an airline air operator certificate under subparagraph(a)(2); and (2) by 1 February 2019 for a holder of an airline air operator certificate under subparagraph (a) (1). “</p> <p>“(f) In setting the date under rule subparagraph (e)(2), the Director must have regard to the following: ... (6) the date for implementation must not be later than 1 February 2021 “</p>
<p>Explanation of Change: Operators in the Cook Islands need further time to implement SMS requirements.</p>	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands.

<p>NZCAR Part: 119.1 Purpose; 119.11 Issue of Certificate ; 119.15 Operations Specification</p>
<p>Delete: 119.1 (b); 119.11(4) (1) and (ii); 119.15 (9).</p>

119.1

(b) This Part does not apply to the holder of an Australian AOC with ANZA privileges.

119.11

(4) in the case of a New Zealand AOC with ANZA privileges, the airline operations to, from, or within Australia will be conducted using—

(i) in the case of passenger operations, aircraft with a capacity of more than 30 passenger seats, or a maximum certificated take-off weight of more than 15,000 kg; and

(ii) in the case of cargo or combined cargo and passenger operations, aircraft with a maximum certificated take-off weight of more than 15,000 kg or a maximum payload capacity of more than 3,410kg.

119.15

(9) where applicable, the authorisations and limitations for routes and areas of air operations conducted in Australia by a holder of a New Zealand AOC with ANZA privileges.

Explanation of Change:

Not relevant to the Cook Islands

NZCAR Part: A.2 Senior person responsible for crew training and competency assessment**Delete: Information not in boxes**

."In addition, where there is a requirement for experience under Part 121, Part 125, or Part 135 operations, a person may be assessed as meeting that requirement if they have had equivalent experience in air transport operations conducted under the authority of an Air Service Certificate issued under regulation 136 of Civil Aviation Regulations 1953 or an equivalent type of operation acceptable to the Director."

Explanation of Change:

Not relevant to the Cook Islands

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 119 Original Issue: 1 April 1997
- Amendment 1; 23 April 1998
- Amendment 2; 3 November 1998
- Amendment 3; (re-issue) 30 April 1999
- Amendment 4; 21 October 1999
- Amendment 5; 24 January 2002
- Amendment 6; 22 June 2006
- Amendment 7; 1 March 2007
- Amendment 8; 30 March 2007
- Amendment 9; 25 October 2007
- Amendment 10; 20 December 2007
- Amendment 11; 25 March 2010
- Amendment 12; 1 November 2010
- Amendment 13; 6 September 2012
- Amendment 14; 24 September 2015
- Amendment 15; 1 February 2016
- Amendment 16; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 121
Air Operations – Large Aeroplanes

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 121 Air Operations – Large Aeroplanes

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 121** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule prescribes the operating requirements for air operations conducted by a holder of an Airline Air Operator Certificate issued in accordance with Part 119 using an aeroplane that has—

- 1) a seating configuration of more than 30 seats, excluding any required crew member seat;
or
- 2) a payload capacity of more than 3410 kg.

The objective is to standardise the rules applicable to:

- a person performing an air operation
- a holder of an air operator certificate conducting an air operation
- a pilot-in-command performing an air operation
- additional aircraft equipment, instrument, and certification requirements and specifications
- aircraft maintenance
- crew training and competency
- management of flight crew fatigue

Commencement of Rule into Force

This Rule, as modified below, comes into force on

Availability of Rules

A copy of Part 121 of the New Zealand Civil Aviation Rule (Consolidated version dated 30 October 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 121

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act ”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”
- For “New Zealand Register of Aircraft “ substitute “The Cook islands Register of Aircraft”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 121.209 –Table 1	
Delete:	Insert:
The reference to “metal”	“gravel”
Explanation of Change: The surface of the relevant runways in the Cook Islands are gravel not metal.	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands.

NZCAR 121.15 Applicability to air operations conducted under an Australian AOC with ANZA privileges
Delete: 121.15 “Applicability to air operations conducted under an Australian AOC with ANZA privileges. The following rules do not apply in the case of air operations conducted in New Zealand under an Australian AOC with ANZA privileges: (1) 121.79:

- (2) 121.81:
 (3) 121.83:
 (4) 121.89:
 (5) 121.91(a):
 (6) 121.91(b):
 (7) 121.803:
 (8) 121.805.”

Explanation of Change:

The Rule is not applicable to the Cook Islands as it relates to arrangements between Australia and New Zealand.

NZCAR 121.71 Use of Aerodromes**Delete: 121.71 (i)(2)**

“(2) a lesser minimum runway width was prescribed in the certificate holder’s air service certificate, issued under regulation 136 of the Civil Aviation Regulations 1953 before 6 January 1993, for the aeroplane.”

Explanation of Change:

The Rule is not applicable to the Cook Islands, as it refers to legislation in New Zealand that is not applicable in the Cook Islands.

NZCAR 121.403 Responsibility for Airworthiness**Delete: 121.403 (b)(2)**

“i) for maintenance that is performed in another State that is party to a technical arrangement, a maintenance organisation that is certificated or appropriately authorised by the State to perform maintenance on the aircraft type in accordance with the conditions specified in the technical arrangement.”

Explanation of Change:

The Rule is not applicable to the Cook Islands as it relates to technical arrangements. The legislation in the Cook Islands does not provide for technical arrangements.

NZCAR 121.541 Transitional arrangements

121.579 Transitional arrangements
 121.615 Transitional arrangements

Delete: 121.541.121.579 and 121.615**121.541**

“(a) The following rules do not apply to the holder of an air operator certificate until 6

September 2014:

(1) rule 121.517(4):

(2) rule 121.523(a)(4):

(3) rule 121.525(2):

(4) rule 121.529(2):

(b) Rule 121.519(4) does not apply to the holder of an air operator certificate until 6 September 2014 provided that the holder continues to comply with rule 121.585(4) that was in force on 5 September 2012.

(c) Rule 121.521(4) does not apply to the holder of an air operator certificate until 6 September 2014 provided that the holder continues to comply with rule 121.583(5) that was in force on 5 September 2012.”

121.579

“The following rules do not apply to the holder of an air operator certificate until 6 September 2014:

(1) 121.553(d):

(2) 121.555(b)(8):

(3) 121.557(c):

(4) 121.559(b)(3):

(5) 121.561(b)(1):

(6) 121.563(d).

(7) 121.573(2).”

121.615

121.615 Transitional arrangements

“(a) The following rules do not apply to the holder of an air operator certificate until 6 September 2014:

(1) rule 121.607(3)(ii):

(2) rule 121.609(2):

(3) rule 121.611(4).

(b) Rule 121.607(2)(iii) does not apply to the holder of an air operator certificate until 6 September 2014, provided that the holder continues to comply with rule 121.607(2) that was in force on 5 September 2012.

(c) Rule 121.607(5) does not apply to the holder of an air operator certificate until 6 September 2014, provided that the holder continues to comply with rule 121.607(5)

(i) that was in force on 5 September 2012.”

Explanation of Change:

These Rules are out of date.

(iii) Any general exemptions which will apply in the Cook Islands

NZCAR 121.357 Additional equipment
Exemption in respect of the requirement in 121.357(2)
<p>In accordance with the requirements in section 40 of the Civil Aviation Act 2002 A general exemption from the requirement for: “121.357(a) the holder of an air operator certificate must ensure that an aeroplane operated under the authority of the certificate is equipped with –</p> <p>(2) a door between the passenger and flight crew compartments with a means of locking that prevents a person from opening it without the permission of the pilot-in –command;’ is given in respect of any Saab SF 340 aircraft at any time on the Cook Islands Civil Aviation Registry . This is conditional upon the holder of the appropriate air operator certificate having established procedures that are acceptable to the Director in respect to detecting suspicious behaviour or a potential threat, and managing the risk of unauthorised entry to the flight deck.”</p> <p>This exemption expires on 1 May 2023</p>
<p>Explanation of Change:</p> <p>The coming into force of this Rule would be clearly unreasonable in respect of the Saab SF 340 operating in the Cook Islands which is not equipped with compartment doors.</p> <p>The risk to safety has been mitigated by the conditions applied to the exemption.</p>

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Cook Island

Nil

(v) Any direction as to the application or non-application to Cook Island of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 121 Original Issue: 14 November 1995
- Amendment 1; 14 November 1995
- Amendment 2; 1 April 1997
- Amendment 3; 23 April 1998
- Amendment 4; 3 November 1998
- Amendment 5; 30 April 1999

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- Amendment 6; 1 July 2000
 - Amendment 7; 24 January 2002
 - Amendment 8; 1 July 2002
 - Amendment 9; 1 August 2003
 - Amendment 10; 1 August 2003
 - Amendment 11; 25 November 2004
 - Amendment 12; 11 May 2006
 - Amendment 13; 22 June 2006
 - Amendment 14; 12 October 2006
 - Amendment 15; 1 March 2007
 - Amendment 16; 30 March 2007
 - Amendment 17; 25 October 2007
 - Amendment 18; 22 November 2007
 - Amendment 19; 23 October 2008
 - Amendment 20; 25 March 2010
 - Amendment 21; 1 November 2010
 - Amendment 22; 6 September 2012
 - Amendment 23; 16 January 2013
 - Amendment 24; 1 April 2014
 - Amendment 25; 1 August 2015
 - Amendment 26; 24 September 2015
 - Amendment 27; 1 February 2016
 - Amendment 28; 10 March 2017
 - Amendment 29; 30 October 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Cook Island.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Island Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 125
Air Operations –Medium Aeroplanes

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 125 Air Operations – Medium Aeroplanes

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates, by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 125** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule contains the requirements for air operations conducted by a holder of an Airline Air Operator Certificate issued in accordance with Part 119 using an aeroplane that has—

- 1) a passenger seating configuration of 10 to 30 seats; or
- 2) a payload capacity of 3410 kg or less and a MCTOW of greater
- 3) than 5700 kg; or
- 4) a single engine and is carrying passengers under IFR.

The objective is to standardise the rules applicable to:

- a person performing an air operation
- a holder of an air operator certificate conducting an air operation
- a pilot-in-command performing an air operation
- the use of an aeroplane to perform a SEIFR passenger operation
- additional aircraft equipment, instrument, and certification requirements and specifications
- aircraft maintenance
- crew training and competency
- management of flight crew fatigue

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 125 of the New Zealand Civil Aviation Rule (Consolidated version dated 30 October 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 125

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act ”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”
- For “AIPNZ” substitute “AIPCI”
- For “New Zealand Register of Aircraft” substitute “Cook Islands Register of Aircraft”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 125.211 Runway surface and slope correction factors. Table 1	
Delete:	Insert:
“Metal”	“Gravel”
Explanation of Change: The Surface Type is Gravel not metal in the Cook Islands	

NZCAR 125.565 Flight crew training equipment	
Delete: (c)(i)	Insert: (c)(i)
“(1) a flight simulator is not available in New Zealand or Australia; and”	“(1) a flight simulator is not available in the Cook Islands, New Zealand or Australia; and”
Explanation of Change:	

Recognises that the rules are applicable to the Cook Islands and at some stage, a flight simulator may be available in the Cook Islands.

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands.

NZCAR Part 125.533 –Transitional Arrangements

Delete 125.533

“(a) Rule 125.511(4) does not apply to the holder of an air operator certificate until 1 April 2016 provided that the holder continues to comply with rule 125.567(3) that was in force on 31 March 2014.

(b) Rule 125.513(4) does not apply to the holder of an air operator certificate until 1 April 2016 provided that the holder continues to comply with rule 125.605(a) (3), or rule 125.605(b) (3) that was in force on 31 March 2014.

(c) Rules 125.517(a) (4), 125.519(2), and 125.523(2) do not apply to the holder of an air operator certificate until 1 April 2016.”

NZCAR Part 125.615 Transitional Arrangements

Delete 125.615

“(a) Rule 125.603(b)(4) does not apply to the holder or an air operator certificate until 1 April 2016 if a flight simulator is used to complete the flight crew competency assessments referred to in the rule.

(b) The following rules do not apply to the holder of an air operator certificate until 1 April 2016—

(1) rule 125.605(b):

(2) rule 125.607(d)(2):

(3) rule 125.609(2):

(4) rule 125.611(4).

(c) Rule 125.607(c) (2) does not apply to the holder of an air operator certificate until 1 April 2016 provided that the holder continues to comply with rule 125.607(2) that was in force on 31 March 2014. “

Explanation of Change:

No longer required

NZCAR 125.575 –Transitional Arrangements
Delete: 125.575
<p>“The following rules do not apply to the holder of an air operator certificate until 1 April 2016—</p> <p>(1) rule 125.553(b)(2):</p> <p>(2) rule 125.555(b)(8):</p> <p>(3) rule 125.557(c):</p> <p>(4) rule 125.559(b)(3):</p> <p>(5) rule 125.561(b)(1):</p> <p>(6) rule 125.563(d):</p> <p>(7) rule 125.565(a)(2), (b) to (e):</p> <p>(8) rule 125.569(2).”</p>
<p>Explanation of Change:</p> <p>No longer required.</p>

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 125 Original Issue: 30 April 1999
- Amendment 1; 21 October 1999
- Amendment 2; 1 July 2000
- Amendment 3; 24 January 2002
- Amendment 4; 25 March 2004
- Amendment 5; 25 March 2004
- Amendment 6; 25 November 2004
- Amendment 7; 11 May 2006
- Amendment 8; 22 June 2006

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- Amendment 9; 29 June 2006
 - Amendment 10; 12 October 2006
 - Amendment 11; 1 March 2007
 - Amendment 12; 25 October 2007
 - Amendment 13; 12 June 2008
 - Amendment 14; 23 October 2008
 - Amendment 15; 25 March 2010
 - Amendment 16; 1 October 2011
 - Amendment 17; 1 April 2014
 - Amendment 18; 1 August 2015
 - Amendment 19; 24 September 2015
 - Amendment 20; 1 February 2016
 - Amendment 21; 10 March 2017
 - Amendment 22; 30 October 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING

COOK ISLANDS CIVIL AVIATION RULE PART 129 Foreign Air Transport Operator- Certification

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 129 Foreign Air Transport Operator - Certification

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 129** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule sets the certification and operating requirements for persons conducting foreign air transport operations involving more than two take-offs or landings within the Cook Islands in any consecutive 28 day period or more than eight take-offs or landings within the Cook Islands in any consecutive 365 day period.

It does not apply to operations conducted for the purpose of medical emergencies, including evacuations, or the carriage of medical supplies or body organs.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 129 of the New Zealand Civil Aviation Rule (Consolidated version dated 25 March 2010) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement Part 129

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”

Below, “NZCAR” means New Zealand Civil Aviation Rule

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands.

NZCAR Part 129.5 Requirement for certificate
Delete: 129.5(b)
“(b) The requirements in paragraph (a) do not apply to air operations conducted in New Zealand under an Australian AOC with ANZA privileges. “
Explanation of Change: The provision is not applicable to the Cook Islands as it relates to arrangements between Australia and New Zealand.

(iii) Any general exemptions which will apply in the Cook Islands

Nil.

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 119 Original Issue: 1 April 1997
- Amendment 1; 21 October 1999
- Amendment 2; 1 August 2003
- Amendment 3; 22 June 2006
- Amendment 4; 12 October 2006
- Amendment 5; 30 March 2007
- Amendment 6; 22 November 2007
- Amendment 7; 25 March 2010

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used. [Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 133
Helicopter External Load Operations

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 133 Helicopter External Load Operations

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 133** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule is in addition to, and provides exceptions from, the general operating and flight rules contained in Rule Part 91, for persons performing a helicopter external load operation. The Rule does not apply to operations for the suspension of a person beneath a helicopter, or the towing of a person by a helicopter, for sporting or recreational purposes.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 133 of the New Zealand Civil Aviation Rule (Consolidated version dated 25 October 2007) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 133

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR	
Delete: in 133.69 (3) and (4)	Insert: in 133.69 (3) and (4)
“the territorial authority”	“government authority”
Explanation of Change: Replacing NZ terminology with the Cook Island terminology.	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 133 Original Issue: 1 April 1997
- Amendment 1 ; 22 June 2006
- Amendment 2; 30 August 2007
- Amendment 3; 25 October 2007

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 135
Air Operations - Helicopters and Small Aeroplanes

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 135 Air Operations - Helicopters and Small Aeroplanes

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 135** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule covers air operations conducted by a holder of an airline air operator certificate or a general aviation air operator certificate issued in accordance with Part 119 using—

(1) an aeroplane that has a seating configuration of 9 seats or less, excluding any required crew member seat, and a MCTOW of 5700 kg or less, except for a single engine aeroplane used for an air operation carrying a passenger under IFR (SEIFR passenger operation); or

(2) a helicopter

The objective is to standardise the rules applicable to

- a person performing an air operation
- a holder of an air operator certificate conducting an air operation
- a pilot-in-command performing an air operation
- additional aircraft equipment, instrument, and certification requirements and specifications
- aircraft maintenance
- crew training and competency
- management of flight crew fatigue

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 135 of the New Zealand Civil Aviation Rule (Consolidated version dated 30 October 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 135

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “AIPNZ” substitute “AIPCI”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR Part 135.93 Operations over congested areas	
Delete: in Part 135.93 (a)(iv)	Insert: : in Part 135.93 (a)(iv)
“the territorial authority”	“ the government authority”
Explanation of Change: Replacing NZ terminology with the Cook Islands terminology.	
NZCAR Part 135.211 Runway surface and slope correction factors	
Delete:	Insert:
table 1 “metal”	“gravel”
Explanation of Change: Refers to the surface of the relevant runway.	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

NZCAR Part 135.77 Use of aerodromes
Delete: 135.77(f)(3)
“a lesser minimum runway width was prescribed for the aeroplane in an air service

certificate, issued to the holder of the air operator certificate under regulation 136 of the Civil Aviation Regulations 1953 before 6 January 1993.”

Explanation of Change:

Not applicable to the Cook Islands.

NZCAR Part 135.402 Option for maintenance

Delete: 135.402(c)(2) and 135.402(d)(2)

“(c)(2) for maintenance that is performed in another State that is party to a technical arrangement, a maintenance organisation that is certificated or appropriately authorised by the State to perform maintenance on the aircraft type in accordance with the conditions specified in the technical arrangement”

“d)(2) for maintenance that is performed in another State that is party to a technical arrangement, a maintenance organisation that is certificated or appropriately authorised by the State to perform maintenance on the aircraft type in accordance with the conditions specified in the technical arrangement”

Explanation of Change:

The Cook islands does not have legislation in place for technical arrangements.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 133 Original Issue: 14 November 1995
- Amendment 1; 14 November 1995
- Amendment 2; 1 April 1997
- Amendment 3; 25 December 1997
- Amendment 4; 23 April 1998

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- Amendment 5; 3 November 1998
 - Amendment 6; 30 April 1999
 - Amendment 7; 21 October 1999
 - Amendment 8; 1 July 2000
 - Amendment 9; 24 January 2002
 - Amendment 10; 1 July 2002
 - Amendment 11; 25 November 2004
 - Amendment 12; 11 May 2006
 - Amendment 13; 22 June 2006
 - Amendment 14; 12 October 2006
 - Amendment 15; 1 March 2007
 - Amendment 16; 25 October 2007
 - Amendment 17; 20 December 2007
 - Amendment 18; 23 October 2008
 - Amendment 19; 25 March 2010
 - Amendment 20; 1 August 2015
 - Amendment 21; 24 September 2015
 - Amendment 22; 1 February 2016
 - Amendment 23; 30 October 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used. [Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 137
Agricultural Aircraft Operations

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 137 Agricultural Aircraft Operations

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 137** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule provides additions to and exceptions from the general operating and flight rules prescribed in Part 91, for pilots performing or being trained to perform agricultural aircraft operations. As well the Rule provides for the certification and operation of persons performing commercial agricultural aircraft operations.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 137 of the New Zealand Civil Aviation Rule (Consolidated version dated 10 March 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 137

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “Civil Aviation Act 2002 ”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “AIPNZ” substitute “AIP Cook Islands”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 137.61 Operations over congested areas	
Delete: 137.61(1)	Insert:
“(1) the pilot performs the operation on behalf of a Government department or Crown entity; and”	“(1) the pilot performs the operation on behalf of the Government; and”
Explanation of Change:	
This is to replace New Zealand terminology with the appropriate Cook Islands terminology	
NZCAR 137.301 Transition for agricultural aircraft operator certificate holders and applicants	
Delete: 137.301	Insert: 137.301
“(a) This rule applies to each— (1) holder of an agricultural aircraft operator certificate: (2) applicant for the grant of an agricultural aircraft operator certificate.	“(a) This rule applies to the holder of an agricultural aircraft operator certificate: (b) Before the date for implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with—

<p>(b) Before the date for implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with—</p> <p>(1) rule 137.153(2)(ii):</p> <p>(2) rule 137.155:</p> <p>(3) rule 137.160(a)(1)(i):</p> <p>(4) rule 137.160(a)(2):</p> <p>(5) rule 137.160(a)(3):</p> <p>(6) rule 137.160(b).</p> <p>(c) A completed CAA form and implementation plan must be submitted to the Director— (1) after 1 February 2016 for an applicant for the grant of an agricultural aircraft operator certificate under subparagraph (a)(2); and</p> <p>(2) by 30 July 2018 for a holder of an agricultural aircraft operator certificate under subparagraph (a) (1).</p> <p>(d) The implementation plan referred to in paragraph (c) must—</p> <p>(1) include a proposed date for implementation of the system for safety management; and</p> <p>(2) outline how the organisation plans to implement the system for safety management required under rule 137.155.</p> <p>(e) The Director will, if acceptable—</p> <p>(1) approve the organisation’s implementation plan; and</p> <p>(2) set the date for implementation of the system for safety management.</p>	<p>(1) rule 137.153(2)(ii):</p> <p>(2) rule 137.155:</p> <p>(3) rule 137.160(a)(1)(i):</p> <p>(4) rule 137.160(a)(2):</p> <p>(5) rule 137.160(a)(3):</p> <p>(6) rule 137.160(b).</p> <p>(c) A completed CAA form and implementation plan must be submitted to the Director after 1 February 2016 for an applicant for the grant of an agricultural aircraft operator certificate.</p> <p>(d) The implementation plan referred to in paragraph (c) must—</p> <p>(1) include a proposed date for implementation of the system for safety management; and</p> <p>(2) outline how the organisation plans to implement the system for safety management required under rule 137.155.</p> <p>(e) The Director will, if acceptable—</p> <p>(1) approve the organisation’s implementation plan; and</p> <p>(2) set the date for implementation of the system for safety management.</p> <p>(f) In setting the date under subparagraph (e)(2), the Director must have regard to the following:</p> <p>(1) the capability of the organisation:</p> <p>(2) the complexity of the organisation:</p> <p>(3) the risks inherent in the activities of the organisation:</p>
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<p>(f) In setting the date under subparagraph (e)(2), the Director must have regard to the following:</p> <p>(1) the capability of the organisation:</p> <p>(2) the complexity of the organisation:</p> <p>(3) the risks inherent in the activities of the organisation:</p> <p>(4) the date of any certificate renewal:</p> <p>(5) any resource or scheduling impacts on the organisation or the Authority or both:</p> <p>(6) the date for implementation must not be later than 1 February 2021.</p> <p>(g) A holder of an agricultural aircraft operator certificate does not have to submit an implementation plan with its certificate renewal application.</p> <p>(h) This rule expires on 1 February 2021.</p>	<p>(5) any resource or scheduling impacts on the organisation or the Authority or both:</p> <p>(6) the date for implementation must not be later than 1 February 2021.</p> <p>(h) This rule expires on 1 February 2021. “</p>
<p>Explanation of Change:</p> <p>There are no current holders of an agricultural aircraft operator certificate in the Cook Islands.</p>	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

<p>NZCAR Part D.65 <i>Aeroplane flight limitations</i></p>
<p>Delete: CAUTION (b)</p>
<p>“(b) A “Caution” placard that complies with the wording of 137D6.5 that was in force on 11 December 2003 may continue to[sic] displayed for compliance with the CAUTION placard required under D6.5(a)</p>
<p>Explanation of Change:</p> <p>No longer relevant</p>

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 137 Original Issue: 30 October 1994
- Amendment 1; 8 February 1996
- Amendment 2; 1 April 1997
- Amendment 3; (reissue) 12 December 2003
- Amendment 4; 1 March 2007
- Amendment 5; 1 February 2016
- Amendment 22; 15 April 2016
- Amendment 23; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 139
Aerodromes – Certification, Operation and Use

I, Hon. **Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 139 Aerodromes – Certification, Operation and Use

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 139** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

The purpose of the Rule is to prescribe the regulatory requirements relating to:

- the certification and operation of aerodromes;
- the security measures applicable to aerodromes;
- the use of aerodromes by aircraft operators;
- the provision of UNICOM and AWIB services.

While the Cook Islands does not currently have all of the technology and services covered by the Rule, they have been included for future purposes in the event that those technologies and services are introduced.

Commencement of Rule into Force

This Rule, as modified by this document comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 139 of the New Zealand Civil Aviation Rule (Consolidated version dated 10 March 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement Rule for Part 139

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “AIP” or “AIPNZ” or “Aeronautical Information Publication New Zealand” substitute “Aeronautical Information Publication Cook Island (AIP Cook Island)”.
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Island Ministry of Transport”
- For “CAA form” or “form CAA” substitute “form MOT”. Cook Island Civil Ministry form numbers are otherwise identical to New Zealand CAA form numbers.
- For “CAA of NZ” substitute “Ministry of Transport – Civil Aviation Division of the Cook Islands”
- For “CAA Consolidation” substitute “Cook Island Adopted Consolidation”
- For “section 7(3) of the Act” substitute “section 26(3) of the 2002 Act”
- For “section 8 of the Act” substitute “section 27 of the 2002 Act”
- For “section 9 of the Act” or “section 9(1)(a)” or “section 9(1)(b)(iii)” substitute “section 28 of the 2002 Act”
- For “section 66 of the Act” substitute “section 73 of the 2002 Act”

Below “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 139.3 – Definitions	
Delete: Registered proprietor	Insert: Registered proprietor
“ Registered proprietor means a registered proprietor as defined in section 35 of the Land Transfer Act 1952.”	“ Registered proprietor means the owner or proprietor as defined by Cook Island law.”
Explanation of Change: Reference to New Zealand legislation replaced.	

NZCAR 139.103 – Aerodrome Maintenance	
Delete: 139.103(3)	Insert: 139.103(3)

“(3) after 31 July 2018, provide for the measurement and provision of real-time surface condition reporting when a runway is contaminated using standardised reporting methods.	“(3) after 31 July 2019, provide for the measurement and provision of real-time surface condition reporting when a runway is contaminated using standardised reporting methods.
Explanation of Change: Need to provide a transition period for the AACI to comply with this requirement.	

NZCAR 139.353(a)(2) – UNICOM and AWIB Service Requirements	
Delete: 139.353(a)(2)	Insert: 139.353(a)(2)
“(2) apply to the Office of the for the grant of a radio licence issued under the Radio Communications Act 1989 for the radio apparatus; and”	“(2) apply to the Office of the Regulator for the grant of a radio licence for the radio licence under the Telecommunications Act 1989 or any other subsequent replacement of or amendment to that Act.”
Explanation of Change: Removal of reference to New Zealand legislation, and inclusion of reference to the relevant Cook Island Government agency responsible for the issue of radio licences.	

NZCAR Subpart J-Transitional Provisions	
Delete: 139.551(c)(1) and (2) 139.551(f)(6) 139.551(h)	Insert: 139.551(c)(1) and (2) 139.551(f)(6) 139.551(h)
139.551(c) “(1) after 1 February 2016 for an applicant for the grant of an aerodrome operator certificate under subparagraph (a)(2); and (2) by 30 July 2016 for a holder of an aerodrome operator certificate under subparagraph (a) (1).”	139.551(c) “(1) after 1 February 2019 for an applicant for the grant of an aerodrome operator certificate under subparagraph (a)(2); and (2) by 30 July 2020 for a holder of an aerodrome operator certificate under subparagraph (a) (1).”
139.551(f)	139.551(f)

<p>“(6) the date for implementation must not be later than 1 February 2018. “</p> <p>139.551(h)</p> <p>“This rule expires on 1 February 2018. “</p>	<p>“(6) the date for implementation must not be later than 1 February 2021. “</p> <p>139.551(h)</p> <p>“This rule expires on 1 February 2021. “</p>
<p>Explanation of Change:</p> <p>Transition times are needed for the implementation of SMS.</p>	

<p>NZCAR Subpart J-Transitional Provisions</p>	
<p>Delete: 139.553(c)(1) and (2)</p> <p>139.553(c) “(1) after 1 February 2016 for an applicant for the grant of an aerodrome operator certificate under subparagraph (a)(2); and (2) by 30 July 2018 for a holder of an aerodrome operator certificate under subparagraph (a) (1).”</p>	<p>Insert: 139.553(c)(1) and (2)</p> <p>139.553(c) “(1) after 1 February 2019 for an applicant for the grant of an aerodrome operator certificate under subparagraph (a)(2); and (2) by 30 July 2020 for a holder of an aerodrome operator certificate under subparagraph (a) (1).”</p>
<p>Explanation of Change:</p> <p>Transition times are needed for the implementation of SMS.</p>	

<p>NZCAR Subpart J-Transitional Provisions</p>	
<p>Delete: 139.555(c)(1) and (2)</p> <p>139.555(c) “(1) after 1 February 2016 for an applicant for the grant of an aerodrome operator certificate under subparagraph (a)(2); and (2) by 30 July 2018 for a holder of an aerodrome operator certificate under subparagraph (a) (1).”</p>	<p>Insert: 139.555(c)(1) and (2)</p> <p>139.555(c) “(1) after 1 February 2019 for an applicant for the grant of a qualifying aerodrome operator certificate under subparagraph (a)(2); and (2) by 30 July 2020 for a holder of a qualifying aerodrome operator certificate under subparagraph (a) (1).”</p>

Explanation of Change:

Accurate and useful transition times are needed for the implementation of SMS.

NZCAR Appendix C-Physical Characteristics C.2.2- Width of runway strips**Delete:**

Part of "C.2.2 Width of runway strips "

Insert:

Part of "C.2.2 Width of runway strips "

"A strip must extend laterally on each side of the centre line of the runway and its extended centre line throughout the length of the strip to the minimum distance determined in Table C-"

"A strip must extend laterally on each side of the centre line of the runway and its extended centre line throughout the length of the strip to the minimum distance determined in Table C-
 Provided that in the case of a precision approach to a code reference 3 or 4 aerodrome a minimum distance of 105 metres applies for:
 Category 1 approaches; and
 Where landing meteorological minimum decision heights are no lower than 250ft above runway threshold elevation."

Explanation of Change:

The total width of the runway strips is 300m for precision approaches. This is consistent with the approach taken at many international aerodromes.

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

New CICAR 139.102 Transitional requirements for runway end safety areas
Insert: 139.102 Transition requirements for runway end safety area Rules
“A holder of an aerodrome operating certificate for an aerodrome that is being used for regular air transport services operating to or from New Zealand immediately before 1 April 2018
(1) is not required to comply with the requirement prescribed in rule 139.51(b)(1) until 30 June 2020”
Explanation of Change: Provides a period of time for the Cook Islands airport authority to be in compliance with RESA requirements for Rarotonga airport.

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part incorporates all New Zealand amendments in force as at 1 July 2017, including:

- Original Issue: 6 January 1993
- Amendment 01; 8 February 1996
- Amendment 02; 1 July 2002
- Amendment 03; 1 June 2002
- Amendment 04; 22 June 2006
- Amendment 05; 12 October 2006
- Amendment 06; 24 August 2007
- Amendment 07; 18 January 2008
- Amendment 08; 25 March 2010
- Amendment 09; 16 January 2013
- Amendment 10; 01 August 2015
- Amendment 11; 24 September 2015
- Amendment 12; 01 February 2016
- Amendment 13; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New

Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which incorporates by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 140
Aviation Security Service Organisation – Certification.

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

**Cook Island Civil Aviation Rule (CICAR): Part 140 Aviation Security Service Organisation
– Certification**

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 140** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

The purpose of the Rule is to prescribe the certification requirements for an organisation providing aviation security services in the Cook Islands and the operating requirements for the continuation of this certification. Part 140 is intended to achieve Cook Islands obligations under ICAO Annex 17 to provide security services at both security designated aerodromes and security designated navigation installations.

The Rule incorporates the standard layout for Rules pertaining to the certification of organisations. The Rule contains specific requirements for the certification (entry standards), operation (continued operations), and safety audit (surveillance) of persons providing security

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 140 of the New Zealand Civil Aviation Rule (Consolidated version dated 16 January 2013) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 140

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Aviation Security Act 2008.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “Aviation Security Act 2008” unless otherwise specifically indicated below.
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Island Ministry of Transport”
- For “form CAA” substitute “form MOT”. Cook Island Ministry of Transport form numbers are otherwise identical to New Zealand CAA form numbers.
- For “CAA of NZ” substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”
- For “the Police” substitute “for the Cook Island Police Service”
- For “section 80 of the Act” substitute “section 8 of the Aviation Security Act”
- For “section 82 of the Act” substitute “section 10 of the Aviation Security Act”
- For “unauthorised article “ substitute “prohibited item”
- For “security enhanced area “ substitute “security restricted area:”
- For “within each 28-day cycle” in Appendix A substitute “with “once every calendar month.”
- For “150 day cycle” in Appendix A substitute “within 6 calendar months of the last tests or checks conducted”.

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 140.3 – Definitions (Aviation Security Officer)	
Delete: Aviation security officer	Insert: Aviation security officer
“Aviation security officer means an employee of a holder of an aviation security service certificate who is designated as such under section 81(2) of the Act or a person for the time being employed as such in the Aviation Security Service:”	“Aviation security officer has the meaning given to it by section 2 of the Aviation Security Act 2008, and means a person for the time being employed by an aviation security organization pursuant to Civil Aviation Rule Part 140.”
Explanation of Change: Provides the correct reference in Cook Islands legislation.	

NZCAR 140.3 – Definitions (In service)	
Delete: In service	Insert: In service
<p>“In service has the same meaning as in section 2(3) of the Aviation Crimes Act 1972:”</p>	<p>“In service has the meaning given to it in section 2(3) of the Aviation Security Act 2008 and means in respect of an aircraft the time, when pre-flight preparation of the aircraft by ground personnel or by the aircraft’s crew begins for a specific flight until either—</p> <ul style="list-style-type: none"> (a) The flight is cancelled; or (b) Twenty four hours after the aircraft, having commenced the flight, lands; <p>or</p> <ul style="list-style-type: none"> (c) The aircraft, having commenced the flight, makes a forced landing and any competent authorities referred to in subsection (2) of section 2 the Aviation Security Act 2008 assume responsibility for the aircraft and for persons and property on board the aircraft; or (d) The aircraft, having commenced the flight, ceases to be in flight,-whichever is the latest.”
<p>Explanation of Change: Removal of reference to New Zealand legislation and replacement with an appropriate definition in the Aviation Security Act</p>	

NZCAR 140.3 – Definitions (Unauthorised article)	
Delete: unauthorised article	Insert: Prohibited item
<p>“Unauthorised article means those articles referred to in section 11(1)(a), (b), (c), and (d) of the Aviation Crimes Act 1972;”</p>	<p>“Prohibited Item” has the same meaning as in section 2(1) of the Aviation Security Act 2008.”</p>
<p>Explanation of Change: Removal of reference to New Zealand legislation and replacement with an appropriate definition.</p>	

NZCAR 140.9 – Issue of Certificate	
Delete: in heading	Insert: In heading
“Subject to section 79A of the Act, the Director shall issue an aviation security service certificate if—”	“subject to sections, 4,5 and 6 of the Aviation Security Act 2008 and section 26 of the Act the Director shall issue an aviation document to provide aviation security services if –”
Explanation of Change: Reference to the appropriate Cook Island legislation.	

NZCAR Appendix A – Security Operational Standards (A.1 Sterile area search)	
Delete: A.1(3)	Insert: A.1(3)
“(3) carry out tests or checks, to confirm— (i) the thoroughness of any search of a sterile area, within each 28 day cycle; and (ii) the proficiency of each aviation security officer carrying out sterile area searches, within each 150 day cycle, in accordance with the recurrent testing provisions of A.24.”	“(3) carry out tests or checks, to confirm— (i) the thoroughness of any search of a sterile area, once every calendar month; and (ii) the proficiency of each aviation security officer carrying out sterile area searches, within 6 calendar months of the last tests or checks conducted, in accordance with the recurrent testing provisions of A.24.”
Explanation of Change: This change maintains consistency with Annex 17.	

Appendix A – Security Operational Standards (A.12 – Mobile patrol)	
Delete: A.12 Mobile patrol	Insert: A.12 Mobile patrol:
A.12 Mobile patrol: “(b)(8) ensure the inspection required by paragraph (b)(7) includes— (i) covering the perimeter at least three times during night and at least three times during day; and”	A.12 Mobile patrol: “(b) (8) ensure the inspection required by paragraph (b)(7) includes— (i) covering the perimeter at least three times daily, including at least once in the period 90 minutes prior to each international arrival or departure; and”
Explanation of Change: Amendment to reflect the more limited number of movements through the International Airport while still ensuring a reasonable level of security.	

Appendix A – Security Operational Standards (A.12 – Mobile patrol)

Delete: A12 Mobile patrol	Insert: A12 Mobile patrol
<p>A.12 Mobile patrol: “(c) Where the Aviation Security Service is providing aviation security services at an aerodrome, other than at Auckland, Wellington, or Christchurch International Airports, its aviation security officers may maintain mobile patrols at that aerodrome less than 24 hours daily, without complying with paragraph (b)(8), if – (1) the aerodrome operator is providing its own 24-hour daily security presence; and (2) its aviation security officers patrol the period from 90 minutes prior to each international departure until 15 minutes after departure.”</p>	<p>A.12 Mobile patrol: “(c) The holder of an aviation document to provide aviation security services at International Airports may maintain mobile patrols at that aerodrome less than 24 hours daily, without complying with paragraph (b)(8), if— (1) an aviation security risk and threat assessment has been carried out for the aerodrome within the immediately preceding 12 months of any international arrival or departure, which indicates a risk probability of no greater than “unlikely’ with a risk severity of no greater than “negligible”; and (2) the document holder is not aware of any increase in the level of security risks or threat in respect of the aerodrome; and (3) the aviation security risk and threat assessment has been approved by the Director; and (3) its aviation security officers patrol the period from 24 hours prior to each international arrival until two hours after departure.”</p>
<p>Explanation of Change: Removal of references to New Zealand airports, and amendment to reflect the more limited number of movements through Rarotonga International Airport while still ensuring a high level of security. Language amended to reflect Cook Islands laws.</p>	

Appendix A – Security Operational Standards (A.18 – Aircraft Security)	
Delete: A.18 Aircraft Security	Insert: A.18 Aircraft Security
<p>A.18 Aircraft Security: “(b) Where the Aviation Security Service is providing aviation security services at an aerodrome, other than at Auckland, Wellington, and Christchurch International Airports, its aviation security officers may maintain patrols of aircraft that are in</p>	<p>A.18 Aircraft Security: “(b) Where the Aviation Security Service is providing aviation security services at an aerodrome other than at Rarotonga Aerodrome, its aviation security officers may maintain patrols of aircraft that are in service for international destinations at that</p>

service for international destinations at that aerodrome for periods less than that required by paragraph (a)(2), if –”	aerodrome for periods less than that required by paragraph (a)(2), if –”
Explanation of Change: Amendment to change references of aerodromes.	

Appendix A – Security Operational Standards (A.23 – Training)	
Delete:	Insert:
<p>A.23 Training: “(1) Legislation relating to aviation security: (i) Aviation Crimes Act 1972 to examine the powers of an aviation security officer, aircraft commander, and the police and study the crimes that are provided for under the Aviation Crimes Act 1972, to grade 4: (ii) New Zealand Bill of Rights Act 1990 to examine the rights of an individual to be secure against unreasonable search or seizure, to grade 3: (iii) Civil Aviation Act 1990 and Civil Aviation Rules to examine the responsibilities, functions, and powers of an aviation security officer and offences applicable to aviation security, to grade 5: (iv) Part 19 to examine the provisions of rules 19.353, 19.355, 19.357, and 19.359, to grade 3: (v) Civil Aviation (Offences Regulations 1997) to examine the offence provisions and penalties for breaches of rules 19.353, 19.355, 19.357, and 19.359, to grade 3: (vi) Crimes Act 1961 to examine sections 157, 203, 300, 301, and 303 of the Crimes Act dealing with endangering transport, to grade 3:</p>	<p>A.23 Training: “(1) Legislation relating to aviation security as, and at a grade, that may be determined necessary by the Director including but not limited to :” (i) the Aviation Security Act 2008 (ii) the Civil Aviation Act 2002 and the Civil Aviation Rules</p>

(vii) Arrest and use of force to examine the sections of the Crimes Act dealing with arrest and use of force, to grade 5:"	
Explanation of Change: Removal of references to New Zealand legislation. Conferral of limited discretion to the Director to determine what training is appropriate.	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 140 Original Issue: 2 November 1998
- Amendment 1; 1 June 2002
- Amendment 2; 22 June 2006
- Amendment 3; 26 September 2007
- Amendment 4; 18 January 2008
- Amendment 5; 25 March 2010
- Amendment 6; 16 January 2013

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New

Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used. [Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 141
Aviation Training Organisations – Certification.

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 141 Aviation Training Organisations – Certification

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates, by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 141** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rules govern the certification and operation of organisations conducting aviation training and assessments required under the Rules. This Rule provides for the issue of a standard or restricted aviation training organisation certificate.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 141 of the New Zealand Civil Aviation Rule will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 141

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulation(s)” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Island Ministry of Transport”
- For “form CAA” substitute “form MOT” Cook Island Ministry of Transport form numbers are otherwise identical to New Zealand CAA form numbers.
- For “CAA of NZ” substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”
- For “section 15 of the Act” substitute “section 10 of the 2002 Act”

Below, “NZCAR” means New Zealand Civil Aviation Rule

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

141.5 Issue of certificate
Insert: new 141.5(c)
“(b) An applicant is entitled to a standard or restricted aviation training organisation certificate if the Director is satisfied that - (1) the applicant, and any senior person or persons are fit and proper persons; and (2) the applicant has been granted a standard or restricted aviation training

<p>organisation certificate or its equivalent in an ICAO contracting State; and</p> <p>(3) the ICAO contracting State has sufficient oversight of the organisation; and</p> <p>(4) the applicant provides the Director with a copy of all documentation required by Subpart B relevant to any activity in the Cook Islands and including a copy of the exposition required in the ICAO contracting State. and</p> <p>(2) the applicant provides the Director with copies of each surveillance action required by the contracting State, and the Director is satisfied with the actions undertaken by the contracting State and the organisation resulting from the surveillance action.</p> <p>(3) the granting of the certificate is not contrary to the interests of aviation safety”</p>
<p>Explanation of Change:</p> <p>This provides the mechanism whereby the Cook Islands is able to utilise the services of an overseas agency without requiring that organisation to go through a full “original” certification procedure, but ensuring that there is sufficient oversight of the organisation under the Cook Islands system.</p>
<p>141.13 safety inspections and audit</p>
<p>Insert: new 141.13(b) and rename (b) as (c).</p>
<p>(b) where a certificate has been granted under paragraph 141.5(c) the Director may take into account when considering whether an inspection, audit or monitoring is necessary the oversight already conducted by the ICAO contracting State.</p>
<p>Explanation of Change</p> <p>The Director in the Cook Islands can take in to account the oversight action undertaken by the original State of certification.</p>

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

The modification to the New Zealand Rule are intended to allow the Cook Islands to utilise an organisation already certificated in an ICAO contracting State. All rules should be interpreted in light of this intention, subject to the conditions included in the modification.

This Rule adopts all New Zealand amendments in force as at 1 July 2017, including:

- Original Issue: 22 February 1996
- Amendment 1; 30 August 2007

-
- Amendment 2; 6 September 2012
 - Amendment 3; 1 April 2014
 - Amendment 4; 1 February 2016
 - Amendment 5; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 145
Aircraft Maintenance Organisations – Certification.

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 145 Aircraft Maintenance Organisations – Certification

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 145** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

The purpose of the Rule is to prescribe the certification requirements for organisations wishing to conduct aircraft maintenance activities in the Cook Islands and the operating requirements for the continuation of this certification.

Part 145 may be obtained for various maintenance activities but in particular Part 145 certification is required for air transport aircraft and its components with greater than 9 passenger seats; or a MCTOW greater than 5700 Kg involving:

- Overhaul:
- Maintenance involving the use of a jig:
- Maintenance requiring the disturbance of bench tested units:
- Dismantling main cases of engines and rotorcraft transmissions:
- Propeller and rotor balancing.

The Rule recognises the capability of an organisation to perform maintenance and determine the compliance of an aircraft and its components with the airworthiness requirements and provides for the certification of that compliance.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 145 of the New Zealand Civil Aviation Rule will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 145

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Island Ministry of Transport”
- For “form CAA” substitute “form MOT”. Cook Island Ministry of Transport form numbers are otherwise identical to New Zealand CAA form numbers.
- For “CAA Form One” substitute “MOT Form One”
- For “CAA of NZ” substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”
- For “section 9 of the Act” or “section 9(1)(a)” or “section 9(1)(b)(iii)” substitute “section 28 of the 2002 Act”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR Subpart D – Transition Provisions	
Delete: 145.151(c) and 145.15 (f) (6) 145.151(h)	Insert: 145.151(c) and 145.15 (f) (6) 145.151(h)
145.151(c) “A completed CAA form and implementation plan must be submitted to the Director— (1) after 1 February 2016 for an applicant for the grant of a maintenance organisation certificate under subparagraph (a)(2); and (2) by 30 July 2016 for a holder of a maintenance organisation certificate under subparagraph (a) (1). “	145.151(c) “A completed CAA form and implementation plan must be submitted to the Director— (1) after 1 February 2019 for an applicant for the grant of a maintenance organisation certificate under subparagraph (a)(2); and (2) by 30 July 2019 for a holder of a maintenance organisation certificate under subparagraph (a) (1). “
145.15 (f) (6) “the date for implementation must not be later than 1 February 2018.”	145.15 (f) (6) “the date for implementation must not be later than 1 February 2020.”

145.151(h) “This rule expires on 1 February 2018.”	145.151(h) “This rule expires on 1 February 2020.”
Explanation of Change: Changes transition dates for the implementation of SMS.	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

NZCAR 145.11 Privileges of certificate holder
Delete: 145.11(a)(11)
“F1 for the maintenance of foreign aircraft and components for foreign aircraft as detailed in the organisation’s exposition and in accordance with a technical arrangement with the State of registry of the aircraft:”
Explanation of Change: Technical arrangements are not provided for in the legislation

NZCAR – 145.60 Authorisation procedures
Delete: 145.60(b)(3) and 145.60(b)(5)
Subparagraph (b)(3): “holds an appropriate current aircraft maintenance engineer licence with an appropriate rating issued by the Civil Aviation Safety Authority of Australia, and has had that licence registered by the Director in New Zealand under the Trans-Tasman Mutual Recognition Act 1997; or”
Subparagraph (b)(5) for maintenance performed outside of New Zealand— (i) holds an appropriate current maintenance engineer document that is issued under the authority of an ICAO Contracting State, acceptable to the Director, for the type of aircraft or component for which the authorisation is intended; or (ii) holds an equivalent authorisation that is issued by an organisation that is certificated to perform maintenance by an ICAO Contracting State, acceptable to the Director, for the type of aircraft or component for which the authorisation is intended; or

Explanation of Change:

Not applicable to Cook Islands. It is not advisable for the Cook Islands to authorise a maintenance organisation under its system to be performing overseas.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 1 July 2017, including:

- Part 145 Original Issue: 16 February 1992
- Amendment 1; 07 October 1993
- Amendment 2; 01 June 1995
- Amendment 3; 08 Feb 1996
- Amendment 4; 01 April 1997
- Amendment 5; 01 April 1997
- Amendment 6; 25 December 1997
- Amendment 7; 01 March 2007
- Amendment 8; 25 October 2007
- Amendment 9; 25 March 2010
- Amendment 10; 01 November 2010
- Amendment 11; 01 April 2014
- Amendment 12; 24 September 2015
- Amendment 13; 01 February 2016
- Amendment 14; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New

Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 146
Aircraft Design Organisations – Certification

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 146 Aircraft Design Organisations – Certification

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 146** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule prescribes the certification and ongoing operational requirements for organisations wishing to conduct aircraft design activities in the Cook Islands. Aircraft design activities include designs and design changes for aircraft, engines, propellers, their components, and appliances. This Rule should be read in conjunction with Rule Part 21.

This Rule also provides details of the qualifications and experience required for a person to receive a delegation from the Director to approve design changes.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 146 of the New Zealand Civil Aviation Rule will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 146

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “form CAA” substitute “form MOT”. Cook Island Ministry of Transport form numbers are otherwise identical to New Zealand CAA form numbers.
- For “CAA of NZ” substitute “Ministry of Transport – Civil Aviation Division of the Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”
- For “section 9 of the Act” or “section 9(1)(a)” or “section 9(1)(b)(iii)” substitute “section 28 of the 2002 Act”
- For “section 23B of the Civil Aviation Act 1990” substitute “section 21 of the 2002 Act”

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

NZCAR 146.103 - Continuation of Designs
Delete: 146.103
“Each design or design change developed by an approved firm under regulation 176 of the Civil Aviation Regulations 1953 at the time this Part comes into force shall be deemed to have been developed by an organisation certificated under this Part.”
Explanation of Change: Reference to New Zealand legislation has been removed.

NZCAR Subpart D - Transitional Provisions.
Delete: 146.151 and 146.153
146.151 Transition for design organisation certificate holders and applicants “(a) This rule applies to each— (1) holder of a design organisation certificate: (2) applicant for the grant of a design organisation certificate.

(b) Before the date for implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with— (1) rule 146.51(a)(2)(iii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance:

(2) rule 146.65, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 146.153:

(3) rule 146.67(a)(1A)(i):

(4) rule 146.67(a)(3)(ii):

(5) rule 146.67(a) (4A).

(c) A completed CAA form and implementation plan must be submitted to the Director— (1) after 1 February 2016 for an applicant for the grant of a design organisation certificate under subparagraph (a)(2); and

(2) by 30 July 2018 for a holder of a design organisation certificate under subparagraph (a) (1).

(d) The implementation plan referred to in paragraph (c) must— (1) include a proposed date for implementation of the system for safety management; and

(2) outline how the organisation plans to implement the system for safety management required under rule 146.65.

(e) The Director will, if acceptable— (1) approve the organisation's implementation plan; and

(2) set the date for implementation of the system for safety management.

(f) In setting the date under subparagraph (e)(2), the Director must have regard to the following: (1) the capability of the organisation:

(2) the complexity of the organisation:

(3) the risks inherent in the activities of the organisation:

(4) the date of any certificate renewal:

(5) any resource or scheduling impacts on the organisation or the Authority or both:

(6) the date for implementation must not be later than 1 February 2021.

(g) A holder of a design organisation certificate under subparagraph (a) (1) does not have to submit an implementation plan with its certificate renewal application.

(h) This rule expires on 1 February 2021.

146.153 Transitional internal quality assurance for design organisation certificate holders and applicants

(a) The internal quality assurance system required by rule 146.151(b) (1) (ii) must be established to ensure the organisation's compliance with, and the adequacy of, the procedures required by this Part.

(b) The internal quality assurance system must include—

(1) a safety policy and safety policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its customers; and

(2) a procedure to ensure quality indicators, including defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and

(3) a procedure for corrective action to ensure that existing problems that have been identified within the system are corrected; and

(4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and

(5) an internal audit programme to audit the applicant's organisation for conformity with its safety policy; and

(6) management review procedures to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.

(c) The safety policy procedures must ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.

(d) The procedure for corrective action must specify how— (1) existing problems are to be corrected; and

(2) corrective action are to be followed up to ensure the action is effective; and

(3) any procedure required for this Part is to be amended as a result of corrective action; and

(4) management will review the effectiveness of any corrective action taken.

(e) The procedure for preventive action must specify how— (1) potential problems are to be corrected; and

- (2) preventive action is to be followed up to ensure the action is effective; and
- (3) any procedure required for this Part is to be amended as a result of preventive action; and
- (4) management will review the effectiveness of any preventive action taken.
- (f) The internal quality audit programme must— (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
- (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
- (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
- (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
- (5) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review must—
- (1) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system; and
- (2) identify the manager who is responsible for the review of the quality assurance system; and
- (3) ensure the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance must have direct access to the chief executive on matters affecting safety.
- (i) This rule expires on 1 February 2021”

Explanation of Change:

Not required due to delayed implementation in the Cook Islands of Part 100.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule adopts all New Zealand amendments in force as at 1 July 2017, including:

- Part 146 Original Issue; 1 April 1997
- Amendment 1; 1 March 2007
- Amendment 2; 1 April 2014
- Amendment 3; 1 February 2016
- Amendment 4; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 147
Maintenance Training Organisations – Certification.

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 147, Maintenance Training Organisations – Certification

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 147** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule provides for the certification of maintenance training organisations

While, there is no current activity of this sort in the Cook Islands, the Rule provides the appropriate regulatory safety framework should a person or organisation wish to commence such activities in the future.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 147 of the New Zealand Civil Aviation Rule will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

-
- CAA web site: <http://www.caa.govt.nz/>
 - NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 147

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act ”
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Island Ministry of Transport”
- For “form CAA” substitute “form MOT”. Cook Island Ministry of Transport form numbers are otherwise identical to New Zealand CAA form numbers.
- For “CAA of NZ” substitute “Ministry of Transport – Civil Aviation Division of the Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”
- For “section 8 of the Act” substitute “section 27 of the 2002 Act”
- For “section 9 of the Act” or “section 9(1)(a)” or “section 9(1)(b)(iii)” substitute “section 28 of the 2002 Act”

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule adopts all New Zealand amendments in force as at 18th April 2018 including:

- Part 146 Original Issue; 1 February 2016
- Amendment 1; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 148
Aircraft Manufacturing Organisations - Certification.

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

**Cook Island Civil Aviation Rule (CICAR): Part 148, Aircraft Manufacturing Organisations
- Certification**

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 148** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule covers the certification and operation of an organisation intending to manufacture aircraft, products, components, parts, and materials.

While there is no current activity of this sort in the Cook Islands, the Rule provides the appropriate regulatory safety framework should a person or organisation wish to commence such activities in future.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of the consolidated version of Part 148 of the New Zealand Civil Aviation Rule dated 10 March 2017 will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 148

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “AIP” or “AIPNZ” substitute “AIPCI”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “form CAA” substitute “form MOT”. Cook Island Ministry of Transport form numbers are otherwise identical to New Zealand CAA form numbers.
- For “CAA of NZ” substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act ”

Below “NZCAR” means New Zealand Civil Aviation Rule

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

NZCAR Subpart D - Transitional Provisions.
Delete: 148.151
<p>148.151 Transition for manufacturing organisation certificate holders and applicants</p> <p>“(a) This rule applies to each— (1) holder of a manufacturing organisation certificate:</p> <p>(2) applicant for the grant of a manufacturing organisation certificate.</p> <p>(b) Before the date for implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with— (1) rule 148.51(a)(2)(iv), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance:</p> <p>(2) rule 148.65, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system</p>

that complies with rule 148.153:

(3) rule 148.67(a)(1A)(i):

(4) rule 148.67(a)(3)(ii):

(5) rule 148.67(a) (4A).

(c) A completed CAA form and implementation plan must be submitted to the Director—

(1) after 1 February 2016 for an applicant for the grant of a manufacturing organisation certificate under subparagraph (a)(2); and

(2) by 30 July 2018 for a holder of a manufacturing organisation certificate under subparagraph (a) (1).

(d) The implementation plan referred to in paragraph (c) must— (1) include a proposed date for implementation of the system for safety management; and

(2) outline how the organisation plans to implement the system for safety management required under rule 148.65.

(e) The Director will, if acceptable— (1) approve the organisation’s implementation plan; and

(2) set the date for implementation of the system for safety management.

(f) In setting the date under rule subparagraph (e)(2), the Director must have regard to the following: (1) the capability of the organisation:

(2) the complexity of the organisation:

(3) the risks inherent in the activities of the organisation:

(4) the date of any certificate renewal:

(5) any resource or scheduling impacts on the organisation or the authority or both:

(6) the date for implementation must not be later than 1 February 2021.

(g) A holder of a manufacturing organisation certificate under subparagraph (a) (1) does not have to submit an implementation plan with its certificate renewal application.

(h) This rule expires on 1 February 2021.”

148.153 Transitional internal quality assurance for manufacturing organisation certificate holders and applicants

“(a) The internal quality assurance system required by rule 148.151(b) (1) (ii) must be established to ensure the organisation’s compliance with, and the adequacy of, the

procedures required by this Part.

(b) The internal quality assurance system must include— (1) a safety policy and safety policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its customers; and

(2) a procedure to ensure quality indicators, including defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and

(3) a procedure for corrective action to ensure that existing problems that have been identified within the system are corrected; and

(4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and

(5) an internal audit programme to audit the applicant's organisation for conformity with its safety policy; and

(6) management review procedures to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.

(c) The safety policy procedures must ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.

(d) The procedure for corrective action must specify how—

(1) existing problems are corrected; and

(2) corrective action is followed up to ensure the action is effective; and

(3) any procedure required for this Part is amended as a result of corrective action; and

(4) management will review the effectiveness of any corrective action taken.

(e) The procedure for preventive action must specify how— (1) potential problems are corrected; and

(2) preventive action is followed up to ensure the action is effective; and

(3) any procedure required for this Part is amended as a result of preventive action; and

(4) management will review the effectiveness of any preventive action taken.

(f) The internal quality audit programme must— (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and

(2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and

- (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
- (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
- (5) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review must— (1) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system; and
- (2) identify the manager who is responsible for the review of the quality assurance system; and
- (3) ensure the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance must have direct access to the chief executive on matters affecting safety.
- (i) This rule expires on 1 February 2021.”

Explanation of Change:

Not required due to delayed implementation of Part 100.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

NZCAR 148.11 privileges of certificate holder	
Delete:	Insert:
“(c) A holder of a manufacturing organisation certificate may issue a <i>CAA Form One – authorised release certificate</i> for a manufactured item indicating that the item conforms to the type design for the item and is in a condition for safe operation. “	“(c) A holder of a manufacturing organisation certificate , or a manufacturing organisation from a foreign State accepted by the Director under Rule Part 21.may issue a <i>CAA Form One – authorised release certificate</i> for a manufactured item indicating that the item conforms to the type design for the item and is in a

	condition for safe operation. “
<p>Explanation of Change: This allows manufactured items to be undertaken by a maintenance organisation in a foreign State, and accepted in the Cook Islands for the issue of a Form One.</p>	

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule adopts all New Zealand amendments in force as at 18th April 2018 including:

- Part 148 Original Issue; 15 February 1996
- Amendment 1; 25 December 1997
- Amendment 2; 1 March 2007
- Amendment 3; 25 March -2010
- Amendment 4; 1 February 2016
- Amendment 5; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used. [Ends]

NOTICE OF RULE MAKING

COOK ISLANDS CIVIL AVIATION RULE PART 149 Aviation Recreation Organisations – Certification.

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rules:

Cook Island Civil Aviation Rule (CICAR): Part 149, Aviation Recreation Organisations – Certification

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 149** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule.

This Rule covers the certification and operation of aviation recreation organisations. These organisations may be approved to administer, on behalf of the Ministry of Transport, the issue of licenses to participants in certain recreational aviation activities (parachuting, hang gliding and para gliding and operation of microlights).

While there is no current activity of this sort in the Cook Islands the Rule provides the appropriate regulatory safety framework should a person or organisation wish to commence such activities in future

Commencement of Rule into Force

This Rule Part, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of the consolidated version of Part 149 of the New Zealand Civil Aviation Rule dated 1 July 2017 will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement Part 149

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “Cook Island”.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “Regulation(s)” substitute “Regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Island Ministry of Transport”
- For “form CAA” substitute “form Ministry”. Cook Island Ministry of Transport form numbers are otherwise identical to New Zealand CAA form numbers.
- For “CAA of NZ” substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”

Below “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 149.3 – Requirement for Certificate	
Delete	Insert
<p>“No aviation recreation organisation shall administer the issue of an aviation document, that is required by the Civil Aviation Rules for the certification or rating of personnel, except in accordance with the provisions of—</p> <p>(1) an aviation recreation organisation certificate issued under this Part; or</p> <p>(2) a microlight organisation certificate issued under Part 103 that was current on 1 April 1997.”</p>	<p>“No aviation recreation organisation shall administer the issue of an aviation document that is required by the Civil Aviation Rules for the certification or rating of personnel, except in accordance with the provisions of an aviation document for a recreation organisation issued under this Part.”</p>
<p>Explanation of Change: There is no such activity in the Cook Islands, now or previously, and the savings provision in subparagraph (2) is therefore not required.</p>	

NZCAR 149.59 – Personnel certification	
Delete	Insert

“(b) The procedures required by paragraph (a) shall include procedures for satisfying the requirements of sections 8, 9, and 10 of the Act. “	“(b) The procedures required by paragraph (a) shall include procedures for satisfying the requirements of sections 27 and 28 of the Civil Aviation Act 2002. “
Explanation of Change: References to New Zealand Civil Aviation provisions.	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

NZCAR 149.62 Transition arrangement
Delete 149.62
149.62 Transition arrangement (a) An applicant for the grant of an aviation recreation organisation certificate that authorises them to organise aviation events is not required to comply with rule 149.61(2) until 1 February 2018. (b) This rule expires on 1 February 2018
Explanation of Change There are no current organisation in the Cook islands. If applications are made transition provisions are not needed.

(iii) Any general exemptions which will apply in Cook Island

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Cook Island

New CICAR 149.7 Issue of Certificate from a Foreign State
Insert: 149.8
“1 An applicant is entitled to an aviation document for a recreation organisation if the Director is satisfied that - (1) the applicant, and any senior person or persons are fit and proper persons; and

- (2) the applicant has been granted an aviation document for a recreation organisation or its equivalent in an ICAO contracting State; and
- (3) the ICAO contracting State has sufficient oversight of the organisation; and
- (4) the applicant provides the Director with a copy of all documentation required by Subpart B relevant to any activity in the Cook Islands and including a copy of the exposition required in the ICAO contracting State. and
- (2) the applicant provides the Director with copies of each surveillance action required by the contracting State, and the Director is satisfied with the actions undertaken by the contracting State and the organisation resulting from the surveillance action.
- (3) the granting of the certificate is not contrary to the interests of aviation safety”

Explanation of Change

This allows an organisation certificated In an ICAO member State to operate in the Cook islands. The provisions ensure there is sufficient oversight.

(v) Any direction as to the application or non-application to Cook Island of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 1 July 2017, including:

- Part 149 Original Issue: 1 April 1997
- Amendment 1: 24 August 2007
- Amendment 2: 1 February 2016

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Cook Island.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Island Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 157
Notice of Construction, Alteration, Activation and Deactivation of Aerodromes

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

**Cook Island Civil Aviation Rule (CICAR): Part 157 Notice of Construction, Alteration,
Activation and Deactivation of Aerodromes**

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 157** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule covers persons proposing to construct, alter, activate, or deactivate specified aerodromes or heliports

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 157 of the New Zealand Civil Aviation Rule (version dated 8 February 1996) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 67

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”

Below, “NZCAR” means New Zealand Civil Aviation Rule

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 67 Original Issue: 8 July 1993
- Amendment 1; 8 February 1996

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 171
Aeronautical Telecommunication Services – Operation and Certification.

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 171 Aeronautical Telecommunication Services – Operation and Certification

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates, by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 171** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule provides the regulatory requirements for the provision of aeronautical telecommunication services and facilities. The Rule also prescribes the equipment requirements relating to aeronautical telecommunications facilities.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of the consolidated version of Part 171 of the New Zealand Civil Aviation Rule dated 10 March 2017 will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 171

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “AIP” or “AIPNZ” substitute “AIPCI”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “form CAA” substitute “form MOT”. Cook Island Ministry of Transport form numbers are otherwise identical to New Zealand CAA form numbers.
- For “CAA of NZ” substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act ”

Below “NZCAR” means New Zealand Civil Aviation Rule

NZCAR – 171.5 Requirement for certificate	
Delete: 171.5(b)(4)	Insert: 171.5(b)(4)
“(4) a radio apparatus licence has been granted by the Chief Executive of the Ministry of Economic Development for the aeronautical facility; and”	“(4) apply to the Office of the Regulator for the grant of a radio license under the Telecommunications Act 1989 or any subsequent replacement of or amendment to that Act.”
Explanation of Change: The modification has been made to reference the agency applicable to the Cook Islands	

NZCAR 171.113 - Limitations on certificate holder	
Delete:	Insert:
“(b) The holder of an aeronautical telecommunication service certificate may not operate a radio transmitting aeronautical facility on an aeronautical radio frequency except under a radio apparatus licence granted by the Chief Executive of the Ministry of Economic	“(b) apply to the Office of the Regulator for the grant of a radio license under the Telecommunications Act 1989 or any subsequent replacement of or amendment to that Act.”

Development for the facility.”	
Explanation of Change:	
The modification has been made to reference the agency applicable to the Cook Islands	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

NZCI – new Subpart E- Transition Provisions
Insert: new 171.251 and 171.253 (based on provisions set out in the NZCAR consolidate version but which expired on 1 February 2018)
<p>171.251 Transition for aeronautical telecommunication service organisation certificate holders and applicants</p> <p>“(a) This rule applies to each—</p> <p>(1) holder of an aeronautical telecommunication service certificate:</p> <p>(2) applicant for the grant of an aeronautical telecommunication service certificate.</p> <p>(b) Before the date for implementation set in accordance with subparagraph (e)(2), an organisation to which this rule applies is not required to comply with—</p> <p>(3) rule 171.51(a)(2)(ii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance:</p> <p>(4) rule 171.73, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 171.253:</p> <p>(5) rule 171.77(a)(1A)(i):</p> <p>(6) rule 171.77(a)(3)(ii):</p> <p>(7) rule 171.77(a)(5A).</p>

(c) A completed CAA form and implementation plan must be submitted to the Director—

(1) after 1 February 2019 for an applicant for the grant of an aeronautical telecommunication service certificate under subparagraph (a)(2); and

(2) by 30 July 2019 for a holder of an aeronautical telecommunication service certificate under subparagraph (a)(1).

(d) The implementation plan referred to in paragraph (c) must—

(1) include a proposed date for implementation of the system for safety management; and

(2) outline how the organisation plans to implement the system for safety management required under rule 171.73.

(e) The Director will, if acceptable—

(1) approve the organisation's implementation plan; and

(2) set the date for implementation of the system for safety management.

(f) In setting the date under subparagraph (e)(2), the Director must have regard to the following:

(1) the capability of the organisation:

(2) the complexity of the organisation:

(3) the risks inherent in the activities of the organisation:

(4) the date of any certificate renewal:

(5) any resource or scheduling impacts on the organisation or the Authority or both:

(6) the date for implementation must not be later than 1 February 2020.

(g) A holder of an aeronautical telecommunication service certificate under subparagraph (a) (1) does not have to submit an implementation plan with its certificate renewal application.

(h) This rule expires on 1 February 2020-.

171.253 Transitional internal quality assurance for aeronautical telecommunication service organisation certificate holders and applicants

(a) The internal quality assurance system required by rule 171.251(b)(1)(ii) must be

established to ensure the organisation's compliance with, and the adequacy of, the procedures required by this Part.

(b) The internal quality assurance system must include—

(1) a safety policy and safety policy procedures, including the procedure required under rule 171.69 for investigating facility malfunction incidents; and

(2) a procedure to ensure quality indicators, including equipment availabilities, malfunctions, faults, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the internal quality assurance system; and

(3) a procedure for corrective action to ensure existing problems that have been identified within the internal quality assurance system are corrected; and

(4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the internal quality assurance system are remedied; and

(5) an internal audit programme for the applicant's organisation to ensure conformity with the procedures in the applicant's exposition and to achieve the goals set in the safety policy; and

(6) management review procedures, that should include the use of statistical analysis if appropriate, to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.

(c) The procedure required under paragraph (b)(3) for corrective action must specify how—

(1) to correct an existing quality problem; and

(2) to follow up a corrective action to ensure the action is effective; and

(3) to amend any procedure required under this Part as a result of a corrective action; and

(4) management will measure the effectiveness of any corrective action taken.

(d) The procedure required under paragraph (b)(4) for preventive action must specify how—

(1) to correct a potential quality problem; and

(2) to follow-up a preventive action to ensure the action is effective; and

(3) to amend any procedure required under this Part as a result of a preventive action; and

(4) management will measure the effectiveness of any preventive action taken.

- (e) The internal audit programme required under paragraph (b)(5) must—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
 - (2) measure the effectiveness of any preventative or corrective action taken by the personnel responsible for the activity being audited since the last audit; and
 - (3) require preventative or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
- (f) The procedure for management review required under paragraph (b)(6) must —
- (1) specify the frequency of management reviews of the internal quality assurance system taking into account the need for the continuing effectiveness of the system; and
 - (2) identify the senior person responsible for the management reviews referred to in paragraph (f)(1); and
- (g) The senior person responsible for the internal quality assurance system must—
- (1) ensure that the safety policy and the safety policy procedures are understood, implemented, and maintained at all levels of the aeronautical telecommunication service certificate holder’s organisation; and
 - (2) ensure that the audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
 - (3) ensure that the results of the audits are reported to the personnel responsible for the activity being audited; and
 - (4) ensure that all corrective and preventative actions are followed up to review the effectiveness of those actions; and
 - (5) ensure that the results of the management review are evaluated and recorded; and
 - (6) have direct access to the chief executive on matters affecting the integrity of the facilities operated under the authority of the aeronautical telecommunications service certificate.
- (h) This rule expires on 1 February 2020.”

Explanation for the additional provision:

This essentially reinstates the transitional provisions required for SMS.

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018 including:

- Part 171 Original Issue: 1 October 1992
- Amendment 1: 8 February 1996
- Amendment 2: Reissue
- Amendment 3: 22 June 2006
- Amendment 4: 1 February 2016
- Amendment 5: 10 March -2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 172
Air Traffic Services Organisations - Certification

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 172 Air Traffic Services Organisations - Certification

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 172** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule prescribes the certification and operating requirements for organisations providing an air traffic service in Cook Island airspace. It is to be noted that the Cook Islands comes within the Auckland Oceanic flight Information region where air traffic services are managed by Airways New Zealand. In the sovereign airspace of the Cook islands, New Zealand (delivered by Airways New Zealand) has been delegated the provision of services at flight levels 245 and above.

These Rules seek to provide for the certification of the Cook Island organisations responsible for ATS within the Cook Island sovereign airspace.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 172 of the New Zealand Civil Aviation Rule (Consolidated version dated 10 March 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 172

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “ the Cook Islands Ministry of Transport”
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “AIP” or “AIPNZ” or “Aeronautical Information Publication New Zealand” substitute “AIP CI” or “Aeronautical Information Publication Cook Islands”.
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “the Auckland Oceanic Flight Information Region” substitute “the airspace within the territorial limits of the Cook Islands”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 172.1 Purpose	
Delete: 172.1(a)(1)	Insert: 172.1(a)(1)
“(1) the certification and operation of organisations providing an air traffic service in— (i) the New Zealand Flight Information Region; and (ii) the Auckland Oceanic Flight Information Region; and”	“(1) the certification and operation of organisations providing an air traffic service in the airspace within the territorial limits of the Cook Islands; and”
Explanation of Change: NZCAR has a wider scope than is appropriate for the Cook Islands. Certification is for the responsible ATS Authority in the Cook Islands.	

NZCAR 172.3 definitions	
Delete: Rated air traffic controller	Insert: Rated air traffic controller
<p>“Rated air traffic controller means an air traffic controller holding a current licence, and a rating, or ratings, validated for the particular location, issued in accordance with Part 65:</p> <p>Rated aerodrome flight information operator means a flight service operator holding a current licence, and an aerodrome flight information rating validated for the particular location, issued in accordance with Part 65:</p> <p>Rated flight service operator means a flight service operator holding a current licence, and a rating, or ratings, validated for the particular location, issued in accordance with Part 65.”</p>	<p>“Rated air traffic controller means an air traffic controller holding a current licence, and a rating, or ratings, validated or qualified or the particular location, issued in accordance with Part 65:</p> <p>Rated aerodrome flight information operator means a flight service operator holding a current licence, and an aerodrome flight information rating validated or qualified for the particular location, issued in accordance with Part 65:</p> <p>Rated flight service operator means a flight service operator holding a current licence, and a rating, or ratings, validated or qualified for the particular location, issued in accordance with Part 65.”</p>
<p>Explanation of Change: The insertion of “or qualified” is required as validation may not be appropriate.</p>	

NZCAR 172.89 (a) and (b) – Cruising levels	
Delete:	Insert
<p>“(a) Each applicant for the grant of an air traffic service certificate in respect of an air traffic control service shall establish procedures to ensure that cruising levels allocated within the New Zealand FIR are selected in accordance with 91.425 for IFR flights, or 91.313 for VFR flights, except that, within controlled airspace— (1) for both IFR</p>	<p>“(a) Each applicant for the grant of an air traffic service document in respect of an air traffic control service shall establish procedures to ensure that cruising levels allocated within Cook island airspace below flight level 245 feet are selected in accordance with 91.425 for IFR flights, or 91.313 for VFR flights, except that, within controlled airspace— (1) for both IFR and</p>

and VFR flights, correlation of cruising level with track need not apply; and (2) VFR flights may be allocated IFR levels. “(b) Each applicant for an air traffic service certificate for the provision of an area control service in the Auckland Oceanic FIR shall establish procedures to ensure that cruising levels are allocated in accordance with Annex 2, except that correlation of cruising level with track need not apply.”	VFR flights, correlation of cruising level with track need not apply; and (2) VFR flights may be allocated IFR levels. “
Explanation of Change: NZCAR has a wider scope than is appropriate for the Cook Islands.	

NZCAR 172.97(a) – Alerting Service	
Delete:	Insert:
“(a) - RCC means the rescue co-ordination centre established by the Authority under section 72B (2A) of the Act.”	“(a)- RCC means the New Zealand rescue coordination centre providing search and rescue capability with in the Pacific region.”
Explanation of Change: Removal of New Zealand legislative reference.	

NZCAR 172.285 – Separation involving military aircraft	
Delete:	Insert:
“The separation criteria and minima prescribed in these rules shall be applied to military aircraft unless there is written agreement between the ATS provider and the New Zealand Defence Force, or a military agency of a foreign state, authorising the use of reduced military separation when it is-”	“The separation criteria and minima prescribed in these rules shall be applied to military aircraft unless there is written agreement between the ATS provider and a military agency of a foreign state, authorising the use of reduced military separation when it is-”
Explanation of Change: Removal of reference to New Zealand Defence Force. The Cook Islands do not have a defence force or another applicable agency.	

NZCAR Subpart H - Transitional Provisions.	
Delete: 172.451(c) and (h) 172.453 (i)	Insert: 172.451(c) and (h) 172.453 (i)
<p>172.451 “(c) A completed CAA form and implementation plan must be submitted to the Director— (1) after 1 February 2016 for an applicant for the grant of an air traffic service certificate under subparagraph (a)(2); and (2) by 30 July 2016 for a holder of an air traffic service certificate under subparagraph (a)(1). “</p> <p>“(h) This rule expires on 1 February 2018.” 172.453 “(i) This rule expires on 1 February 2018”</p>	<p>“A completed CAA form and implementation plan must be submitted to the Director— (1) after 1 February 2019 for an applicant for the grant of an air traffic service certificate under subparagraph (a)(2); and (2) by 30 July 2019 for a holder of an air traffic service certificate under subparagraph (a)(1).”</p> <p>“(h) This rule expires on 1 February 2020.” 172.453 “(i) This rule expires on 1 February 2020”</p>
<p>Explanation of Change: The transition dates for SMS are changed to make them relevant to the document holder in the Cook islands.</p>	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in Cook Island

NZCAR 172.1 Purpose
Delete: 172.1(d)
“(d) In this Part, references to the Auckland Oceanic Flight Information Region exclude those portions of airspace within the flight information region that are designated under Part 71 as sectors where an ICAO Contracting State other than New Zealand is providing the air traffic service.”
<p>Explanation of Change: This provision is not relevant in the Cook Islands</p>

NZCAR 172.65 Contingency plan
Delete: 172.65(b)

“(b) In addition to the requirement in paragraph (a), each applicant for the grant of an air traffic service document to provide services in the Auckland Oceanic FIR shall detail in its plan provisions for the continuation of the safe and orderly flow of international traffic not landing in New Zealand. “

Explanation of Change:

Not relevant to the Cook Islands.

NZCAR NZCAR–172.67 Co-ordination requirements (Renumber 172.67(a) (7) and (8) as (6) and (7))

Delete: 172.67(a)(6)

“(6) the New Zealand Defence Force; and”

Explanation of Change: Removal of reference to New Zealand Defence Force. The Cook Islands does not have a defence force or other applicable agency.

NZCAR 172.151A – Transitional Arrangements

Delete: 172.151A

“(a) Despite rule 172.151(4), a holder of an air traffic service certificate is not required to comply with rule 172.115(b) (10) until 16 July 2013.

(b) Rule 172.165 does not apply to the holder of an air traffic service certificate until 16 July 2013”

Explanation of Change:

Transitional dates have expired. The Rule is no longer relevant or appropriate.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 172 Original Issue: 1 January 1998
 - Amendment 1; 13 August 1999
 - Amendment 2; 1 24 January 2002
 - Amendment 3; 8 August 2002
 - Amendment 4; 5 August 2004
 - Amendment 5; 22 June 2006
 - Amendment 6; 23 October 2008
 - Amendment 7; 10 March 2010
 - Amendment 8; 16 January 2013
 - Amendment 9; 1 April 2014
 - Amendment 10; 24 September 2015
 - Amendment 11; 1 February 2016
 - Amendment 12; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used. [Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 173
Instrument Flight Procedure Service Organisation- Certification and Operation

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 173 Instrument Flight Procedure Service Organisation - Certification and Operation.

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 173** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

The purpose of the Rule is to prescribe:

- rules governing the certification and operation of organisations that provide services for the design and maintenance of instrument flight procedures; and
- the technical standards for the design of instrument flight procedures.

This Rule does not apply to the design of aircraft performance operating limitations or flight paths for critical engine inoperative emergency procedures.

This Rule aims to ensure that the design, maintenance, and promulgation of instrument flight procedures intended for use by aircraft operating under instrument flight rules (IFR) in Cook Island airspace meet or exceed the International Civil Aviation Organisation (ICAO) standards and recommended practices for instrument flight procedures

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 173 of the New Zealand Civil Aviation Rule (Consolidated version dated 1 July 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 173

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “AIP” or “AIPNZ” or “Aeronautical Information Publication New Zealand” substitute “Aeronautical Information Publication Cook Islands (AIPCI)”.
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”
- For “NZANR” substitute “CIANR”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 173.5(a) Requirement for Certificate	
Delete:	Insert:
<p>a) Except as provided for in paragraph (b) a person must not provide an instrument flight procedure service for—</p> <p style="padding-left: 40px;">(1) the New Zealand FIR; or</p> <p style="padding-left: 40px;">(2) the Auckland Oceanic FIR;</p> <p>except under the authority of an instrument flight procedure service certificate issued in accordance with this Part.”</p>	<p>“(a) A person must not provide an instrument flight procedure service for the airspace within the territorial limits of the Cook Islands except under the authority of an instrument flight procedure service certificate issued in accordance with this Part.”</p>
<p>Explanation of Change: NZCAR’s have a wider scope than is appropriate for the Cook Islands</p>	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

NZCAR 173.5(b) – Requirement for Certificate
Delete: “(b) In this Part reference to the Auckland Oceanic FIR excludes those portions of airspace within the Auckland Oceanic FIR where an individual State has an agreement with New Zealand to regulate the State’s IFR flight procedures.”
Explanation of Change: Not applicable to the Cook Islands.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

NZCAR 173.9 Issue of Certificate	
Delete: 173.9	Insert: 173.9
<p>“Subject to Section 9 of the Act, an applicant is granted an instrument flight procedure service certificate if the Director is satisfied that—</p> <p>(1) the applicant meets the requirements of Subpart B; and</p> <p>(2) the applicant and the senior persons required by rule 173.51(a) are fit and proper persons; and</p> <p>(3) the granting of the certificate is not contrary to the interests of aviation safety.”</p>	<p>“Subject to Section 9 of the Act, an applicant is granted an instrument flight procedure aviation document if the Director is satisfied that either—</p> <p>(1) the applicant meets the requirements of Subpart B; and</p> <p>(i) the applicant and the senior persons required by rule 173.51(a) are fit and proper persons; and</p> <p>(ii) the granting of the aviation document is not contrary to the interests of aviation safety.</p> <p>Or</p> <p>(3) the applicant, and any senior person or persons are fit and proper persons;</p>

	<p>and</p> <p>(4) the applicant has been granted a an instrument flight procedure service certificate or its equivalent in an ICAO contracting State; and</p> <p>(5) the ICAO contracting State has sufficient oversight of the organisation; and</p> <p>(6) the applicant provides the Director with a copy of all documentation required by Subpart B relevant to any activity in the Cook Islands and including a copy of the exposition required in the ICAO contracting State. and</p> <p>(7) the applicant provides the Director with copies of each surveillance action required by the contracting State, and the Director is satisfied with the actions undertaken by the contracting State and the organisation resulting from the surveillance action.</p> <p>(8) that the organisation has procedures in place for the certification of every instrument flight procedure that the organisation proposes to design, make available for operational use, and publish in the AIPCI; and provides insufficient information for entry of the instrument flight procedure into the Cook Islands Air Navigation register.</p> <p>(9) the granting of the aviation document is not contrary to the interests of aviation safety”</p>
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Explanation of Change:

This allows the Director to accept /contract with an organisation outside of the Cook islands for the development of instrument flight procedures and allows the Director to have oversight over the activities of the organisation where it relates to activities in the Cook islands.

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

The modification to this rule recognises that Instrument flight procedures are likely to be undertaken by an organisation not in the Cook Islands. This allows under certain conditions for the acceptance of a certificate from another contracting State.

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 67 Original Issue: 23 October 2008
- Amendment 1; 25 March 2010
- Amendment 2; 1 February 2016
- Amendment 3; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used. [Ends]

NOTICE OF RULE MAKING

COOK ISLANDS CIVIL AVIATION RULE PART 174 Aviation Meteorological Service Organisations - Certification

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following rules:

Cook Island Civil Aviation Rule (CICAR): Part 174 Aviation Meteorological Service Organisations - Certification

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 174** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

The purpose of the Rule is to prescribe:

- rules governing the certification and operation of organisations providing meteorological services for aviation; and
- requirements governing the provision of basic weather reports for aviation.

Commencement of Rule into Force

This Rule, as modified below, comes into force on

Availability of Rules

A copy of Part 174 of the New Zealand Civil Aviation Rule (Consolidated version dated 10 March 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 174

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands as appropriate
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “AIP” or “AIPNZ” or “Aeronautical Information Publication New Zealand” substitute “Aeronautical Information Publication Cook Islands (AIPCI)”.
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form MOT”
- For “section 15 of the Act” substitute “section 10 of the 2002 Act”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR Subpart D — Transition Provisions	
Transition for meteorological service certificate holders and applicants	
Delete: 174.151(c)	Insert: : 174.151(c)
<p>174.151 “(c) A completed CAA form and implementation plan must be submitted to the Director—</p> <p>(1) after 1 February 2016 for an applicant for the grant of a meteorological service certificate under subparagraph (a)(2); and</p> <p>(2) by 30 July 2016 for a holder of a meteorological service certificate under subparagraph (a) (1).”</p>	<p>174.151 “(c) A completed CAA form and implementation plan must be submitted to the Director—</p> <p>(1) after 1 February 2018 for an applicant for the grant of a meteorological service aviation document under subparagraph (a)(2); and</p> <p>(2) by 30 July 2018 for a holder of a meteorological service aviation document under subparagraph (a) (1).”</p>
<p>Explanation of Change: Transition arrangements need to be put in place for SMS in the Cook Islands Rules</p>	

NZCAR Subpart D — Transition Provisions Transition for meteorological service certificate holders and applicants	
Delete: 174.151 (f)(6) and (h)	Insert: 174.151 (f) (6) and (h)
<p>“(f) In setting the date under subparagraph (e)(2), the Director must have regard to the following:</p> <p>...</p> <p>(6) the date for implementation must not be later than 1 February 2018.”</p> <p>and</p> <p>(h) This rule expires on 1 February 2019</p>	<p>“(f) In setting the date under subparagraph (e)(2), the Director must have regard to the following:</p> <p>...</p> <p>(6) the date for implementation must not be later than 1 February 2019.”</p> <p>(h) This rule expires on 1 February 2019”</p>
<p>Explanation of Change: Transition arrangements need to be put in place for SMS in the Cook Islands</p>	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 174 Original Issue: 10 February 1994
- Amendment 1; 8 February 1996
- Amendment 2; 30 August 2007
- Amendment 3; 30 August 2007

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- Amendment 4; 1 February 2016
 - Amendment 5; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]

NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 175
Aeronautical Information Service Organisations - Certification

I, **Hon Henry Puna** Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 175 Aeronautical Information Service Organisations - Certification

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 175** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

The purpose of the Rule is to prescribe:

- rules governing the certification and operation of organisations providing an aeronautical information service for the Cook Islands; and
- the requirements for Aeronautical Information Publication Cook Islands, Aeronautical Information Circulars and NOTAM.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 175 of the New Zealand Civil Aviation Rule (Consolidated version dated 10 March 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the _____ day June 2018.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 175

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For “New Zealand” substitute “the Cook Islands” or “Cook Islands” as appropriate.
- For “Act” or “Civil Aviation Act” substitute “2002 Act”
- For “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “AIP” or “AIPNZ” or “Aeronautical Information Publication New Zealand” substitute “Aeronautical Information Publication Cook Islands (AIPCI)”.
- For “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “Form CAA” substitute “Form Ministry of Transport”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 175.3 Requirement for Certificate	
Delete: 175.3	Insert: 175.3
<p>No person shall provide an aeronautical information service for—</p> <p style="padding-left: 40px;">(1) the New Zealand FIR; or</p> <p style="padding-left: 40px;">(2) the areas of the Auckland Oceanic FIR in which New Zealand is responsible for air traffic services -</p> <p>except under the authority of, and in accordance with the provisions of an aeronautical information service certificate issued under this Part.”</p>	<p>“(a) No person shall provide an aeronautical information service for the airspace within the territorial limits of the Cook Islands except under the authority of an aeronautical information service aviation document issued under this Part.”</p>
<p>Explanation of Change: NZCAR’s have a wider scope that is appropriate for the Cook Islands</p>	
NZCAR 175.59 Collection of Information	

Delete:	Insert:
“(2) applicable information is obtained from the aeronautical information services of other States relevant to the requirements of international aircraft operators operating — (i) in the areas of the Auckland Oceanic FIR in which New Zealand is responsible for air traffic services; and (ii) on international air routes originating from New Zealand; and”	“(2) applicable information is obtained from the aeronautical information services of other States relevant to the requirements of international aircraft operators operating — (i) in the areas of airspace within the territorial limits of the Cook Islands; and (ii) on international air routes originating from the Cook Islands; and”
Explanation of Change: NZCAR’s have a wider scope than is appropriate for the Cook Islands	

NZCAR 175.151(a)(1) Contents of AIPNZ	
Delete:	Insert:
“(1) the regulatory and airspace requirements for air navigation in the New Zealand FIR and the areas of the Auckland Oceanic FIR in which New Zealand is responsible for air traffic services; and”	“(1) the regulatory and airspace requirements for air navigation in the airspace within the territorial limits of the Cook Islands; and.”
Explanation of Change: NZCAR’s have a wider scope than is appropriate for the Cook Islands	

NZCAR – Subpart F NOTAM	
Delete: 175.251(c)	Insert: 175.251(c)
“(c) The B series of NOTAM must contain aeronautical information that is operationally significant to international operators operating in — the New Zealand FIR; and	“(c) The B series of NOTAM must contain aeronautical information that is operationally significant to international operators operating in the airspace within the territorial limits of the Cook Islands.”

the areas of the Auckland Oceanic FIR in which New Zealand is responsible for air traffic services.”	
Explanation of Change: Change to apply to Cook Island airspace only	

NZCAR – Subpart – Transition Provisions	
Delete: 175.301(c) and 175.301(f)(6) and 175.301 (h)	Insert: 175.301(c) and 175.301(f)(6) and 175.301 (h)
175.301(c) “(c) A completed CAA form and implementation plan must be submitted to the Director— (1) after 1 February 2016 for an applicant for the grant of an aeronautical information service certificate under subparagraph (a)(2); and (2) by 30 July 2016 for a holder of an aeronautical information service certificate under subparagraph (a) (1). 175.301(f)(6) (6) the date for implementation must not be later than 1 February 2018. 175.301 (h) (h) This rule expires on 1 February 2018.	“175.301(c) “(c) A completed CAA form and implementation plan must be submitted to the Director— (1) after 1 February 2019 for an applicant for the grant of an aeronautical information service aviation document under subparagraph (a)(2); and (2) by 30 July 2020 for a holder of an aeronautical information service aviation document under subparagraph (a) (1). 175.301(f)(6) (6) the date for implementation must not be later than 1 February 2021. 175.301 (h) (h) This rule expires on 1 February 2021.
Explanation of Change: Transition times are needed for the implementation of SMS.	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

Nil

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 175 Original Issue: 1 September 1994
- Amendment 1; 8 February 1996
- Amendment 2; 1 April 1997
- Amendment 3; 22 June 2006
- Amendment 4; 30 August 2007
- Amendment 5; 25 March 2010
- Amendment 6; 1 April 2014
- Amendment 7; 1 February 2016
- Amendment 8; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, “CAA Advisory Circulars” means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example “Part 12” refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]