

---

**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 **18<sup>th</sup> 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 1<sup>st</sup> 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 28<sup>th</sup> 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

<b>NZCAR 1.1 General definitions</b>	
<b>Delete:</b> Aeronautical Information Publication New Zealand	<b>Insert:</b> 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:”
<b>Explanation of Change:</b> 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.	
<b>NZCAR 1.1 General definitions</b>	
<b>Delete:</b> Aviation Security Service	<b>Insert:</b> 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**

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

**Insert: Director**

“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**

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

**Insert: Extended over-water operation**

“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**

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

**Insert: Firearm**

“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**

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

**Insert: ICAO Annex**

“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.”
<b>Explanation of Change:</b> The change is to reflect a more accurate definition. The NZ definition is not correct.	

<b>NZCAR 1.1 General definitions</b>	
<b>Delete: New Zealand Register of Aircraft</b>	<b>Insert: Cook Islands Register of Aircraft</b> (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: “
<b>Explanation of Change:</b> The change is to reference the correct section in the Cook Islands legislation.	

<b>NZCAR 1.1 General definitions</b>	
<b>Delete: NOTAM service</b>	<b>Insert: NOTAM service</b>
“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.”
<b>Explanation of Change:</b> This defines the Cook Islands area of responsibility within the Auckland Oceanic FIR for NOTAM’s.	

<b>NZCAR 1.1 General definitions</b>	
<b>Delete: Security area</b>	<b>Insert: Security area</b>
“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**

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

**Insert: Security designated aerodrome**

“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**

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

**Insert: Security restricted area**

“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><b>Explanation of Change:</b> Not relevant to the Cook Islands.</p>
<p>NZCAR Part 1.1 General definitions</p>
<p><b>Delete:</b> 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><b>Explanation of Change:</b> Fit and Proper person is not defined In the 2002 Act</p>
<p>NZCAR 1.1 General definitions</p>
<p><b>Delete:</b> 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><b>Explanation of Change:</b> Emergency airworthiness directives are not provided for in the Act.</p>
<p>NZCAR Part 1.1 General definitions</p>
<p><b>Delete:</b> 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><b>Explanation of Change: General definitions</b> 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><b>Delete:</b> 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 18<sup>th</sup> 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

- 
- 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

- 
- 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]