
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 28th 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]