
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 28th day June 2018.

A large, stylized handwritten signature in black ink, appearing to read 'H. Puna', is written over the text of the document.

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]