
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 28th 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.
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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]