
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 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

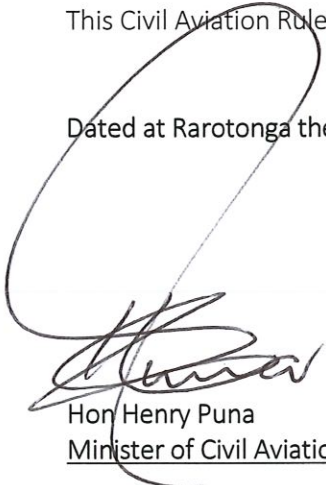
The Ministry of Transport received written submissions from:

- 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 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)
<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>
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:</p> <p>...</p> <p>(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:</p> <p>...</p> <p>(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]