
NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 135
Air Operations - Helicopters and Small Aeroplanes

I, Hon Henry Puna Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 135 Air Operations - Helicopters and Small Aeroplanes

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 135** 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 covers air operations conducted by a holder of an airline air operator certificate or a general aviation air operator certificate issued in accordance with Part 119 using—

(1) an aeroplane that has a seating configuration of 9 seats or less, excluding any required crew member seat, and a MCTOW of 5700 kg or less, except for a single engine aeroplane used for an air operation carrying a passenger under IFR (SEIFR passenger operation); or

(2) a helicopter

The objective is to standardise the rules applicable to

- a person performing an air operation
- a holder of an air operator certificate conducting an air operation
- a pilot-in-command performing an air operation
- additional aircraft equipment, instrument, and certification requirements and specifications
- aircraft maintenance
- crew training and competency
- management of flight crew fatigue

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 135 of the New Zealand Civil Aviation Rule (Consolidated version dated 30 October 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 for Part 135

(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 “AIPNZ” substitute “AIPCI”

Below, “NZCAR” means New Zealand Civil Aviation Rule

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|---|----------------------------------|
| NZCAR Part 135.93 Operations over congested areas | |
| Delete: in Part 135.93 (a)(iv) | Insert: : in Part 135.93 (a)(iv) |
| “the territorial authority” | “ the government authority” |
| Explanation of Change: Replacing NZ terminology with the Cook Islands terminology. | |
| NZCAR Part 135.211 Runway surface and slope correction factors | |
| Delete: | Insert: |
| table 1 “metal” | “gravel” |
| Explanation of Change: Refers to the surface of the relevant runway. | |

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands

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|---|
| NZCAR Part 135.77 Use of aerodromes |
| Delete: 135.77(f)(3) |
| “a lesser minimum runway width was prescribed for the aeroplane in an air service |

certificate, issued to the holder of the air operator certificate under regulation 136 of the Civil Aviation Regulations 1953 before 6 January 1993.”

Explanation of Change:

Not applicable to the Cook Islands.

NZCAR Part 135.402 Option for maintenance

Delete: 135.402(c)(2) and 135.402(d)(2)

“(c)(2) for maintenance that is performed in another State that is party to a technical arrangement, a maintenance organisation that is certificated or appropriately authorised by the State to perform maintenance on the aircraft type in accordance with the conditions specified in the technical arrangement”

“d)(2) for maintenance that is performed in another State that is party to a technical arrangement, a maintenance organisation that is certificated or appropriately authorised by the State to perform maintenance on the aircraft type in accordance with the conditions specified in the technical arrangement”

Explanation of Change:

The Cook islands does not have legislation in place for technical arrangements.

(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 133 Original Issue: 14 November 1995
- Amendment 1; 14 November 1995
- Amendment 2; 1 April 1997
- Amendment 3; 25 December 1997
- Amendment 4; 23 April 1998

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- Amendment 5; 3 November 1998
 - Amendment 6; 30 April 1999
 - Amendment 7; 21 October 1999
 - Amendment 8; 1 July 2000
 - Amendment 9; 24 January 2002
 - Amendment 10; 1 July 2002
 - Amendment 11; 25 November 2004
 - Amendment 12; 11 May 2006
 - Amendment 13; 22 June 2006
 - Amendment 14; 12 October 2006
 - Amendment 15; 1 March 2007
 - Amendment 16; 25 October 2007
 - Amendment 17; 20 December 2007
 - Amendment 18; 23 October 2008
 - Amendment 19; 25 March 2010
 - Amendment 20; 1 August 2015
 - Amendment 21; 24 September 2015
 - Amendment 22; 1 February 2016
 - Amendment 23; 30 October 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]