
NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 137
Agricultural Aircraft Operations

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

Cook Island Civil Aviation Rule (CICAR): Part 137 Agricultural Aircraft 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 137** 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 provides additions to and exceptions from the general operating and flight rules prescribed in Part 91, for pilots performing or being trained to perform agricultural aircraft operations. As well the Rule provides for the certification and operation of persons performing commercial agricultural aircraft 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 137 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 Enuā)

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 Enuā)
- 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

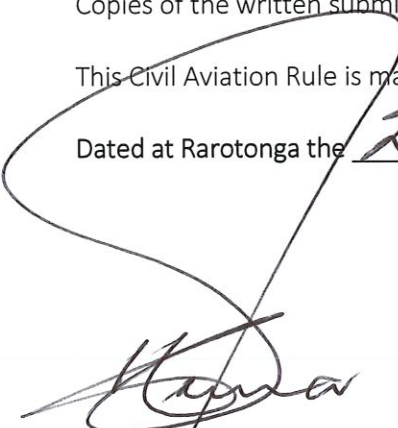
The Ministry of Transport received written submissions from:

- 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 137

(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 “Civil Aviation Act 2002”
- 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 “AIP Cook Islands”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 137.61 Operations over congested areas	
Delete: 137.61(1)	Insert:
“(1) the pilot performs the operation on behalf of a Government department or Crown entity; and”	“(1) the pilot performs the operation on behalf of the Government; and”
Explanation of Change: This is to replace New Zealand terminology with the appropriate Cook Islands terminology	
NZCAR 137.301 Transition for agricultural aircraft operator certificate holders and applicants	
Delete: 137.301	Insert: 137.301
“(a) This rule applies to each— (1) holder of an agricultural aircraft operator certificate: (2) applicant for the grant of an agricultural aircraft operator certificate.	“(a) This rule applies to the holder of an agricultural aircraft 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—

<p>(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—</p> <p>(1) rule 137.153(2)(ii):</p> <p>(2) rule 137.155:</p> <p>(3) rule 137.160(a)(1)(i):</p> <p>(4) rule 137.160(a)(2):</p> <p>(5) rule 137.160(a)(3):</p> <p>(6) rule 137.160(b).</p> <p>(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 agricultural aircraft operator certificate under subparagraph (a)(2); and</p> <p>(2) by 30 July 2018 for a holder of an agricultural aircraft operator certificate under subparagraph (a) (1).</p> <p>(d) The implementation plan referred to in paragraph (c) must—</p> <p>(1) include a proposed date for implementation of the system for safety management; and</p> <p>(2) outline how the organisation plans to implement the system for safety management required under rule 137.155.</p> <p>(e) The Director will, if acceptable—</p> <p>(1) approve the organisation’s implementation plan; and</p> <p>(2) set the date for implementation of the system for safety management.</p>	<p>(1) rule 137.153(2)(ii):</p> <p>(2) rule 137.155:</p> <p>(3) rule 137.160(a)(1)(i):</p> <p>(4) rule 137.160(a)(2):</p> <p>(5) rule 137.160(a)(3):</p> <p>(6) rule 137.160(b).</p> <p>(c) A completed CAA form and implementation plan must be submitted to the Director after 1 February 2016 for an applicant for the grant of an agricultural aircraft operator certificate.</p> <p>(d) The implementation plan referred to in paragraph (c) must—</p> <p>(1) include a proposed date for implementation of the system for safety management; and</p> <p>(2) outline how the organisation plans to implement the system for safety management required under rule 137.155.</p> <p>(e) The Director will, if acceptable—</p> <p>(1) approve the organisation’s implementation plan; and</p> <p>(2) set the date for implementation of the system for safety management.</p> <p>(f) In setting the date under subparagraph (e)(2), the Director must have regard to the following:</p> <p>(1) the capability of the organisation:</p> <p>(2) the complexity of the organisation:</p> <p>(3) the risks inherent in the activities of the organisation:</p>
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<p>(f) In setting the date under subparagraph (e)(2), the Director must have regard to the following:</p> <p>(1) the capability of the organisation:</p> <p>(2) the complexity of the organisation:</p> <p>(3) the risks inherent in the activities of the organisation:</p> <p>(4) the date of any certificate renewal:</p> <p>(5) any resource or scheduling impacts on the organisation or the Authority or both:</p> <p>(6) the date for implementation must not be later than 1 February 2021.</p> <p>(g) A holder of an agricultural aircraft operator certificate does not have to submit an implementation plan with its certificate renewal application.</p> <p>(h) This rule expires on 1 February 2021.</p>	<p>(5) any resource or scheduling impacts on the organisation or the Authority or both:</p> <p>(6) the date for implementation must not be later than 1 February 2021.</p> <p>(h) This rule expires on 1 February 2021. “</p>
<p>Explanation of Change:</p> <p>There are no current holders of an agricultural aircraft operator certificate in the Cook Islands.</p>	

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

<p>NZCAR Part D.65 <i>Aeroplane flight limitations</i></p>
<p>Delete: CAUTION (b)</p>
<p>“(b) A “Caution” placard that complies with the wording of 137D6.5 that was in force on 11 December 2003 may continue to[sic] displayed for compliance with the CAUTION placard required under D6.5(a)</p>
<p>Explanation of Change:</p> <p>No longer relevant</p>

(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 137 Original Issue: 30 October 1994
- Amendment 1; 8 February 1996
- Amendment 2; 1 April 1997
- Amendment 3; (reissue) 12 December 2003
- Amendment 4; 1 March 2007
- Amendment 5; 1 February 2016
- Amendment 22; 15 April 2016
- Amendment 23; 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]