
NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 139
Aerodromes – Certification, Operation and Use

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

Cook Island Civil Aviation Rule (CICAR): Part 139 Aerodromes – Certification, Operation and Use

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 139** 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 the regulatory requirements relating to:

- the certification and operation of aerodromes;
- the security measures applicable to aerodromes;
- the use of aerodromes by aircraft operators;
- the provision of UNICOM and AWIB services.

While the Cook Islands does not currently have all of the technology and services covered by the Rule, they have been included for future purposes in the event that those technologies and services are introduced.

Commencement of Rule into Force

This Rule, as modified by this document comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 139 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 Rule for Part 139

(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 “regulations” substitute “regulations made under the Civil Aviation Act 2002”
- For “AIP” or “AIPNZ” or “Aeronautical Information Publication New Zealand” substitute “Aeronautical Information Publication Cook Island (AIP Cook Island)”.
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Island Ministry of Transport”
- For “CAA form” or “form CAA” substitute “form MOT”. Cook Island Civil Ministry form numbers are otherwise identical to New Zealand CAA form numbers.
- For “CAA of NZ” substitute “Ministry of Transport – Civil Aviation Division of the Cook Islands”
- For “CAA Consolidation” substitute “Cook Island Adopted Consolidation”
- For “section 7(3) of the Act” substitute “section 26(3) of the 2002 Act”
- For “section 8 of the Act” substitute “section 27 of the 2002 Act”
- For “section 9 of the Act” or “section 9(1)(a)” or “section 9(1)(b)(iii)” substitute “section 28 of the 2002 Act”
- For “section 66 of the Act” substitute “section 73 of the 2002 Act”

Below “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 139.3 – Definitions	
Delete: Registered proprietor	Insert: Registered proprietor
“Registered proprietor means a registered proprietor as defined in section 35 of the Land Transfer Act 1952.”	“Registered proprietor means the owner or proprietor as defined by Cook Island law.”
Explanation of Change: Reference to New Zealand legislation replaced.	

NZCAR 139.103 – Aerodrome Maintenance	
Delete: 139.103(3)	Insert: 139.103(3)

“(3) after 31 July 2018, provide for the measurement and provision of real-time surface condition reporting when a runway is contaminated using standardised reporting methods.	“(3) after 31 July 2019, provide for the measurement and provision of real-time surface condition reporting when a runway is contaminated using standardised reporting methods.
Explanation of Change: Need to provide a transition period for the AACI to comply with this requirement.	

NZCAR 139.353(a)(2) – UNICOM and AWIB Service Requirements	
Delete: 139.353(a)(2)	Insert: 139.353(a)(2)
“(2) apply to the Office of the for the grant of a radio licence issued under the Radio Communications Act 1989 for the radio apparatus; and”	“(2) apply to the Office of the Regulator for the grant of a radio licence for the radio licence under the Telecommunications Act 1989 or any other subsequent replacement of or amendment to that Act.”
Explanation of Change: Removal of reference to New Zealand legislation, and inclusion of reference to the relevant Cook Island Government agency responsible for the issue of radio licences.	

NZCAR Subpart J-Transitional Provisions	
Delete: 139.551(c)(1) and (2) 139.551(f)(6) 139.551(h)	Insert: 139.551(c)(1) and (2) 139.551(f)(6) 139.551(h)
139.551(c) “(1) after 1 February 2016 for an applicant for the grant of an aerodrome operator certificate under subparagraph (a)(2); and (2) by 30 July 2016 for a holder of an aerodrome operator certificate under subparagraph (a) (1).”	139.551(c) “(1) after 1 February 2019 for an applicant for the grant of an aerodrome operator certificate under subparagraph (a)(2); and (2) by 30 July 2020 for a holder of an aerodrome operator certificate under subparagraph (a) (1).”
139.551(f)	139.551(f)

<p>(“6) the date for implementation must not be later than 1 February 2018. “</p> <p>139.551(h)</p> <p>“This rule expires on 1 February 2018. “</p>	<p>(“6) the date for implementation must not be later than 1 February 2021. “</p> <p>139.551(h)</p> <p>“This rule expires on 1 February 2021. “</p>
<p>Explanation of Change: Transition times are needed for the implementation of SMS.</p>	

<p>NZCAR Subpart J-Transitional Provisions</p>	
<p>Delete: 139.553(c)(1) and (2)</p>	<p>Insert: 139.553(c)(1) and (2)</p>
<p>139.553(c) “(1) after 1 February 2016 for an applicant for the grant of an aerodrome operator certificate under subparagraph (a)(2); and (2) by 30 July 2018 for a holder of an aerodrome operator certificate under subparagraph (a) (1).”</p>	<p>139.553(c) “(1) after 1 February 2019 for an applicant for the grant of an aerodrome operator certificate under subparagraph (a)(2); and (2) by 30 July 2020 for a holder of an aerodrome operator certificate under subparagraph (a) (1).”</p>
<p>Explanation of Change: Transition times are needed for the implementation of SMS.</p>	

<p>NZCAR Subpart J-Transitional Provisions</p>	
<p>Delete: 139.555(c)(1) and (2)</p>	<p>Insert: 139.555(c)(1) and (2)</p>
<p>139.555(c) “(1) after 1 February 2016 for an applicant for the grant of an aerodrome operator certificate under subparagraph (a)(2); and (2) by 30 July 2018 for a holder of an aerodrome operator certificate under subparagraph (a) (1).”</p>	<p>139.555(c) “(1) after 1 February 2019 for an applicant for the grant of a qualifying aerodrome operator certificate under subparagraph (a)(2); and (2) by 30 July 2020 for a holder of a qualifying aerodrome operator certificate under subparagraph (a) (1).”</p>

Explanation of Change:

Accurate and useful transition times are needed for the implementation of SMS.

NZCAR Appendix C-Physical Characteristics C.2.2- Width of runway strips**Delete:**

Part of "C.2.2 Width of runway strips "

Insert:

Part of "C.2.2 Width of runway strips "

"A strip must extend laterally on each side of the centre line of the runway and its extended centre line throughout the length of the strip to the minimum distance determined in Table C-"

"A strip must extend laterally on each side of the centre line of the runway and its extended centre line throughout the length of the strip to the minimum distance determined in Table C-
 Provided that in the case of a precision approach to a code reference 3 or 4 aerodrome a minimum distance of 105 metres applies for:
 Category 1 approaches; and
 Where landing meteorological minimum decision heights are no lower than 250ft above runway threshold elevation."

Explanation of Change:

The total width of the runway strips is 300m for precision approaches. This is consistent with the approach taken at many international aerodromes.

(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

New CICAR 139.102 Transitional requirements for runway end safety areas
Insert: 139.102 Transition requirements for runway end safety area Rules
“A holder of an aerodrome operating certificate for an aerodrome that is being used for regular air transport services operating to or from New Zealand immediately before 1 April 2018
(1) is not required to comply with the requirement prescribed in rule 139.51(b)(1) until 30 June 2020”
Explanation of Change: Provides a period of time for the Cook Islands airport authority to be in compliance with RESA requirements for Rarotonga airport.

(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 incorporates all New Zealand amendments in force as at 1 July 2017, including:

- Original Issue: 6 January 1993
- Amendment 01; 8 February 1996
- Amendment 02; 1 July 2002
- Amendment 03; 1 June 2002
- Amendment 04; 22 June 2006
- Amendment 05; 12 October 2006
- Amendment 06; 24 August 2007
- Amendment 07; 18 January 2008
- Amendment 08; 25 March 2010
- Amendment 09; 16 January 2013
- Amendment 10; 01 August 2015
- Amendment 11; 24 September 2015
- Amendment 12; 01 February 2016
- Amendment 13; 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 incorporates 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]