
NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 141
Aviation Training Organisations – Certification.

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

Cook Island Civil Aviation Rule (CICAR): Part 141 Aviation Training Organisations –
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 141** 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 Rules govern the certification and operation of organisations conducting aviation training and assessments required under the Rules. This Rule provides for the issue of a standard or restricted aviation training organisation certificate.

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 141 of the New Zealand Civil Aviation Rule 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 141

(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 Island Ministry of Transport”
- For “form CAA” substitute “form MOT” Cook Island Ministry of Transport form numbers are otherwise identical to New Zealand CAA form numbers.
- For “CAA of NZ” substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”
- For “section 15 of the Act” substitute “section 10 of the 2002 Act”

Below, “NZCAR” means New Zealand Civil Aviation Rule

(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

141.5 Issue of certificate
Insert: new 141.5(c)
“(b) An applicant is entitled to a standard or restricted aviation training organisation certificate if the Director is satisfied that - (1) the applicant, and any senior person or persons are fit and proper persons; and (2) the applicant has been granted a standard or restricted aviation training

<p>organisation certificate or its equivalent in an ICAO contracting State; and</p> <p>(3) the ICAO contracting State has sufficient oversight of the organisation; and</p> <p>(4) the applicant provides the Director with a copy of all documentation required by Subpart B relevant to any activity in the Cook Islands and including a copy of the exposition required in the ICAO contracting State. and</p> <p>(2) the applicant provides the Director with copies of each surveillance action required by the contracting State, and the Director is satisfied with the actions undertaken by the contracting State and the organisation resulting from the surveillance action.</p> <p>(3) the granting of the certificate is not contrary to the interests of aviation safety”</p>
<p>Explanation of Change:</p> <p>This provides the mechanism whereby the Cook Islands is able to utilise the services of an overseas agency without requiring that organisation to go through a full “original” certification procedure, but ensuring that there is sufficient oversight of the organisation under the Cook Islands system.</p>
<p>141.13 safety inspections and audit</p>
<p>Insert: new 141.13(b) and rename (b) as (c).</p>
<p>(b) where a certificate has been granted under paragraph 141.5(c) the Director may take into account when considering whether an inspection, audit or monitoring is necessary the oversight already conducted by the ICAO contracting State.</p>
<p>Explanation of Change</p> <p>The Director in the Cook Islands can take in to account the oversight action undertaken by the original State of certification.</p>

(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

The modification to the New Zealand Rule are intended to allow the Cook Islands to utilise an organisation already certificated in an ICAO contracting State. All rules should be interpreted in light of this intention, subject to the conditions included in the modification.

This Rule adopts all New Zealand amendments in force as at 1 July 2017, including:

- Original Issue: 22 February 1996
- Amendment 1; 30 August 2007

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- Amendment 2; 6 September 2012
 - Amendment 3; 1 April 2014
 - Amendment 4; 1 February 2016
 - Amendment 5; 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]