
NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 146
Aircraft Design 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 146 Aircraft Design 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 146** 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 prescribes the certification and ongoing operational requirements for organisations wishing to conduct aircraft design activities in the Cook Islands. Aircraft design activities include designs and design changes for aircraft, engines, propellers, their components, and appliances. This Rule should be read in conjunction with Rule Part 21.

This Rule also provides details of the qualifications and experience required for a person to receive a delegation from the Director to approve design changes.

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 146 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 146

(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 “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands 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 the Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”
- 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 23B of the Civil Aviation Act 1990” substitute “section 21 of the 2002 Act”

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

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| NZCAR 146.103 - Continuation of Designs |
| Delete: 146.103 |
| “Each design or design change developed by an approved firm under regulation 176 of the Civil Aviation Regulations 1953 at the time this Part comes into force shall be deemed to have been developed by an organisation certificated under this Part.” |
| Explanation of Change: Reference to New Zealand legislation has been removed. |
| NZCAR Subpart D - Transitional Provisions. |
| Delete: 146.151 and 146.153 |
| 146.151 Transition for design organisation certificate holders and applicants “(a) This rule applies to each— (1) holder of a design organisation certificate: (2) applicant for the grant of a design organisation 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— (1) rule 146.51(a)(2)(iii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance:
- (2) rule 146.65, if instead of establishing, implementing, and maintaining the system for safety management, the organisation has established an internal quality assurance system that complies with rule 146.153:
- (3) rule 146.67(a)(1A)(i):
- (4) rule 146.67(a)(3)(ii):
- (5) rule 146.67(a) (4A).
- (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 a design organisation certificate under subparagraph (a)(2); and
- (2) by 30 July 2018 for a holder of a design organisation certificate under subparagraph (a) (1).
- (d) The implementation plan referred to in paragraph (c) must— (1) include a proposed date for implementation of the system for safety management; and
- (2) outline how the organisation plans to implement the system for safety management required under rule 146.65.
- (e) The Director will, if acceptable— (1) approve the organisation's implementation plan; and
- (2) set the date for implementation of the system for safety management.
- (f) In setting the date under subparagraph (e)(2), the Director must have regard to the following: (1) the capability of the organisation:
- (2) the complexity of the organisation:
- (3) the risks inherent in the activities of the organisation:
- (4) the date of any certificate renewal:
- (5) any resource or scheduling impacts on the organisation or the Authority or both:
- (6) the date for implementation must not be later than 1 February 2021.

(g) A holder of a design organisation certificate under subparagraph (a) (1) does not have to submit an implementation plan with its certificate renewal application.

(h) This rule expires on 1 February 2021.

146.153 Transitional internal quality assurance for design organisation certificate holders and applicants

(a) The internal quality assurance system required by rule 146.151(b) (1) (ii) must be established to ensure the organisation's compliance with, and the adequacy of, the procedures required by this Part.

(b) The internal quality assurance system must include—

(1) a safety policy and safety policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its customers; and

(2) a procedure to ensure quality indicators, including defect and incident reports, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the system; and

(3) a procedure for corrective action to ensure that existing problems that have been identified within the system are corrected; and

(4) a procedure for preventive action to ensure that potential causes of problems that have been identified within the system are remedied; and

(5) an internal audit programme to audit the applicant's organisation for conformity with its safety policy; and

(6) management review procedures to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.

(c) The safety policy procedures must ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.

(d) The procedure for corrective action must specify how— (1) existing problems are to be corrected; and

(2) corrective action are to be followed up to ensure the action is effective; and

(3) any procedure required for this Part is to be amended as a result of corrective action; and

(4) management will review the effectiveness of any corrective action taken.

(e) The procedure for preventive action must specify how— (1) potential problems are to be corrected; and

- (2) preventive action is to be followed up to ensure the action is effective; and
- (3) any procedure required for this Part is to be amended as a result of preventive action; and
- (4) management will review the effectiveness of any preventive action taken.
- (f) The internal quality audit programme must— (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
- (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
- (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
- (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
- (5) ensure follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review must—
- (1) specify the frequency of management reviews of the quality assurance system taking into account the need for the continuing effectiveness of the system; and
- (2) identify the manager who is responsible for the review of the quality assurance system; and
- (3) ensure the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance must have direct access to the chief executive on matters affecting safety.
- (i) This rule expires on 1 February 2021”

Explanation of Change:

Not required due to delayed implementation in the Cook Islands of Part 100.

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

- Part 146 Original Issue; 1 April 1997
- Amendment 1; 1 March 2007
- Amendment 2; 1 April 2014
- Amendment 3; 1 February 2016
- Amendment 4; 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]