
NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 171
Aeronautical Telecommunication Services – Operation and Certification.

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

Cook Island Civil Aviation Rule (CICAR): Part 171 Aeronautical Telecommunication
Services – Operation and 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 171** 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 the regulatory requirements for the provision of aeronautical telecommunication services and facilities. The Rule also prescribes the equipment requirements relating to aeronautical telecommunications facilities.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of the consolidated version of Part 171 of the New Zealand Civil Aviation Rule 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 for Part 171

(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” substitute “AIPCI”
- 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 Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”

Below “NZCAR” means New Zealand Civil Aviation Rule

NZCAR – 171.5 Requirement for certificate	
Delete: 171.5(b)(4)	Insert: 171.5(b)(4)
“(4) a radio apparatus licence has been granted by the Chief Executive of the Ministry of Economic Development for the aeronautical facility; and”	“(4) apply to the Office of the Regulator for the grant of a radio license under the Telecommunications Act 1989 or any subsequent replacement of or amendment to that Act.”
Explanation of Change: The modification has been made to reference the agency applicable to the Cook Islands	

NZCAR 171.113 - Limitations on certificate holder	
Delete:	Insert:
“(b) The holder of an aeronautical telecommunication service certificate may not operate a radio transmitting aeronautical facility on an aeronautical radio frequency except under a radio apparatus licence granted by the Chief Executive of the Ministry of Economic	“(b) apply to the Office of the Regulator for the grant of a radio license under the Telecommunications Act 1989 or any subsequent replacement of or amendment to that Act.”

Development for the facility.”	
Explanation of Change: The modification has been made to reference the agency applicable to the Cook Islands	

(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

NZCI – new Subpart E- Transition Provisions
Insert: new 171.251 and 171.253 (based on provisions set out in the NZCAR consolidate version but which expired on 1 February 2018)
<p>171.251 Transition for aeronautical telecommunication service organisation certificate holders and applicants</p> <p>“(a) This rule applies to each—</p> <p>(1) holder of an aeronautical telecommunication service certificate: (2) applicant for the grant of an aeronautical telecommunication service 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> <p>(3) rule 171.51(a)(2)(ii), if instead of a senior person responsible for the system for safety management, the organisation has a senior person responsible for internal quality assurance:</p> <p>(4) rule 171.73, 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 171.253:</p> <p>(5) rule 171.77(a)(1A)(i): (6) rule 171.77(a)(3)(ii): (7) rule 171.77(a)(5A).</p>

- (c) A completed CAA form and implementation plan must be submitted to the Director—
- (1) after 1 February 2019 for an applicant for the grant of an aeronautical telecommunication service certificate under subparagraph (a)(2); and
 - (2) by 30 July 2019 for a holder of an aeronautical telecommunication service 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 171.73.
- (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 2020.
- (g) A holder of an aeronautical telecommunication service 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 2020-.

171.253 Transitional internal quality assurance for aeronautical telecommunication service organisation certificate holders and applicants

- (a) The internal quality assurance system required by rule 171.251(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, including the procedure required under rule 171.69 for investigating facility malfunction incidents; and

(2) a procedure to ensure quality indicators, including equipment availabilities, malfunctions, faults, and personnel and customer feedback, are monitored to identify existing problems or potential causes of problems within the internal quality assurance system; and

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

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

(5) an internal audit programme for the applicant's organisation to ensure conformity with the procedures in the applicant's exposition and to achieve the goals set in the safety policy; and

(6) management review procedures, that should include the use of statistical analysis if appropriate, to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.

(c) The procedure required under paragraph (b)(3) for corrective action must specify how—

(1) to correct an existing quality problem; and

(2) to follow up a corrective action to ensure the action is effective; and

(3) to amend any procedure required under this Part as a result of a corrective action; and

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

(d) The procedure required under paragraph (b)(4) for preventive action must specify how—

(1) to correct a potential quality problem; and

(2) to follow-up a preventive action to ensure the action is effective; and

(3) to amend any procedure required under this Part as a result of a preventive action; and

(4) management will measure the effectiveness of any preventive action taken.

- (e) The internal audit programme required under paragraph (b)(5) must—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
 - (2) measure the effectiveness of any preventative or corrective action taken by the personnel responsible for the activity being audited since the last audit; and
 - (3) require preventative or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
- (f) The procedure for management review required under paragraph (b)(6) must —
- (1) specify the frequency of management reviews of the internal quality assurance system taking into account the need for the continuing effectiveness of the system; and
 - (2) identify the senior person responsible for the management reviews referred to in paragraph (f)(1); and
- (g) The senior person responsible for the internal quality assurance system must—
- (1) ensure that the safety policy and the safety policy procedures are understood, implemented, and maintained at all levels of the aeronautical telecommunication service certificate holder's organisation; and
 - (2) ensure that the audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
 - (3) ensure that the results of the audits are reported to the personnel responsible for the activity being audited; and
 - (4) ensure that all corrective and preventative actions are followed up to review the effectiveness of those actions; and
 - (5) ensure that the results of the management review are evaluated and recorded; and
 - (6) have direct access to the chief executive on matters affecting the integrity of the facilities operated under the authority of the aeronautical telecommunications service certificate.
- (h) This rule expires on 1 February 2020.”

Explanation for the additional provision:

This essentially reinstates the transitional provisions required for SMS.

(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 171 Original Issue: 1 October 1992
- Amendment 1: 8 February 1996
- Amendment 2: Reissue
- Amendment 3: 22 June 2006
- 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]