
NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 173
Instrument Flight Procedure Service Organisation- Certification and Operation

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

Cook Island Civil Aviation Rule (CICAR): Part 173 Instrument Flight Procedure Service
Organisation - Certification and Operation.

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 173** 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:

- rules governing the certification and operation of organisations that provide services for the design and maintenance of instrument flight procedures; and
- the technical standards for the design of instrument flight procedures.

This Rule does not apply to the design of aircraft performance operating limitations or flight paths for critical engine inoperative emergency procedures.

This Rule aims to ensure that the design, maintenance, and promulgation of instrument flight procedures intended for use by aircraft operating under instrument flight rules (IFR) in Cook Island airspace meet or exceed the International Civil Aviation Organisation (ICAO) standards and recommended practices for instrument flight procedures

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 173 of the New Zealand Civil Aviation Rule (Consolidated version dated 1 July 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 Eua)

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 Eua)
- 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 173

(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 “AIP” or “AIPNZ” or “Aeronautical Information Publication New Zealand” substitute “Aeronautical Information Publication Cook Islands (AIPCI)”.
- 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 “section 9 of the Act” substitute “section 28 of the 2002 Act”
- For “NZANR” substitute “CIANR”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 173.5(a) Requirement for Certificate	
Delete:	Insert:
<p>a) Except as provided for in paragraph (b) a person must not provide an instrument flight procedure service for—</p> <p style="padding-left: 40px;">(1) the New Zealand FIR; or</p> <p style="padding-left: 40px;">(2) the Auckland Oceanic FIR;</p> <p>except under the authority of an instrument flight procedure service certificate issued in accordance with this Part.”</p>	<p>“(a) A person must not provide an instrument flight procedure service for the airspace within the territorial limits of the Cook Islands except under the authority of an instrument flight procedure service certificate issued in accordance with this Part.”</p>
<p>Explanation of Change: NZCAR’s have a wider scope than is appropriate for the Cook Islands</p>	

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

NZCAR 173.5(b) – Requirement for Certificate
<p>Delete:</p> <p>“(b) In this Part reference to the Auckland Oceanic FIR excludes those portions of airspace within the Auckland Oceanic FIR where an individual State has an agreement with New Zealand to regulate the State’s IFR flight procedures.”</p>
<p>Explanation of Change:</p> <p>Not applicable to the Cook Islands.</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

NZCAR 173.9 Issue of Certificate	
Delete: 173.9	Insert: 173.9
<p>“Subject to Section 9 of the Act, an applicant is granted an instrument flight procedure service certificate if the Director is satisfied that—</p> <p>(1) the applicant meets the requirements of Subpart B; and</p> <p>(2) the applicant and the senior persons required by rule 173.51(a) are fit and proper persons; and</p> <p>(3) the granting of the certificate is not contrary to the interests of aviation safety.”</p>	<p>“Subject to Section 9 of the Act, an applicant is granted an instrument flight procedure aviation document if the Director is satisfied that either—</p> <p>(1) the applicant meets the requirements of Subpart B; and</p> <p>(i) the applicant and the senior persons required by rule 173.51(a) are fit and proper persons; and</p> <p>(ii) the granting of the aviation document is not contrary to the interests of aviation safety.</p> <p>Or</p> <p>(3) the applicant, and any senior person or persons are fit and proper persons;</p>

	<p>and</p> <p>(4) the applicant has been granted a an instrument flight procedure service certificate or its equivalent in an ICAO contracting State; and</p> <p>(5) the ICAO contracting State has sufficient oversight of the organisation; and</p> <p>(6) 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>(7) 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>(8) that the organisation has procedures in place for the certification of every instrument flight procedure that the organisation proposes to design, make available for operational use, and publish in the AIPCI; and provides insufficient information for entry of the instrument flight procedure into the Cook Islands Air Navigation register.</p> <p>(9) the granting of the aviation document is not contrary to the interests of aviation safety”</p>
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Explanation of Change:

This allows the Director to accept /contract with an organisation outside of the Cook islands for the development of instrument flight procedures and allows the Director to have oversight over the activities of the organisation where it relates to activities in the Cook islands.

(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 this rule recognises that Instrument flight procedures are likely to be undertaken by an organisation not in the Cook Islands. This allows under certain conditions for the acceptance of a certificate from another contracting State.

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 67 Original Issue: 23 October 2008
- Amendment 1; 25 March 2010
- Amendment 2; 1 February 2016
- Amendment 3; 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]