
NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 19
Transition Rules

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

Cook Island Civil Aviation Rule (CICAR): Part 19, Transition Rules

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 19** 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The purpose of the Rule in the New Zealand system was to carry over some rules from earlier repealed Regulations, and also to provide for Rules on the use of GPS equipment on IFR operations.

The Rule also prescribes:

- Ministry powers regarding certain aviation documents
- Prescribed aerodrome meteorological minima and IFR procedures
- Supply organisation approvals
- Security provisions
- Miscellaneous personnel licensing requirements

Commencement of Rule into Force

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

Availability of Rules

A copy of Part 19 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
Avatiu Port
Avatiu
Rarotonga
Cook Islands

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 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 172" refers to Part 172 of the Cook Island Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 172).

If no relevant Ministry of Transport form exists, the relevant New Zealand form may be used.

[Ends]

Copies of the amendments to 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 of June 2018



Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement Part 19

(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 ” except In Sub Part G – Security where for “Act” substitute “Airport Security Act 2008”
- 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 Islands Ministry of Transport form numbers are otherwise identical to New Zealand CAA form numbers.
- For “CAA of NZ” or CAA 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” substitute “section 28 of the 2002 Act”
- For “section 15 of the Act” substitute “section 10 of the 2002 Act”.
- For “section 24 of the Act” substitute “section 18 of the 2002 Act”

Below, “NZCAR” means New Zealand Civil Aviation Rule

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| NZCAR 19.207 Primary means GPS operations | |
| Delete: | Insert: |
| In 19.207(3) “the New Zealand flight information region,” | In 19.207(3), “the sovereign airspace of the Cook Islands,” |
| Explanation of Change: Reference to appropriate flight information region or part thereof is required. | |
| NZCAR 19.209 Sole means GPS operations | |
| Delete: 19.209(a) and 19.209(b) | Insert:19.209(a) and 19.209(b) |
| “(a) A person shall not operate an aircraft under IFR using a sole means navigation | “(a) A person shall not operate an aircraft under IFR using a sole means navigation system, which uses only GPS sensors, within |

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| <p>system, which uses only GPS sensors, within the New Zealand Flight information Region.</p> <p>(b) Each person operating a New Zealand registered aircraft under IFR using a sole means navigation system which uses only GPS sensors, in the Auckland Oceanic Flight information Region, shall- “</p> | <p>the designated controlled airspace enclosed within the Cook sector of the Auckland Oceanic Flight Information Region.</p> <p>(b) Each person operating a New Zealand registered aircraft under IFR using a sole means navigation system which uses only GPS sensors, in uncontrolled airspace within the Cook sector of the Auckland Oceanic Flight Information Region and at flight levels above this sector to FL460, shall_”</p> |
| <p>Explanation of Change:</p> <p>In NZCAR 19.209(a) the intent is to prohibit sole means GPS operation within the New Zealand FIR due to high density of traffic, controlled airspace and the accessibility of alternative ground aids. In the Cook islands the only airspace requiring similar protection from sole means GPS operation would be the controlled airspace around Rarotonga and the routes to southern group destinations.</p> <p>In NZCAR 19.209(b) the airspace reference is to the Auckland Oceanic FIR, i.e., low density traffic area with minimal alternate navigation aids- for the Cook islands all airspace outside of the controlled airspace (control zone) around Rarotonga would be equivalent. The wording change corrects the position.</p> | |

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

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| <p>NZCAR 19.335 Transitional arrangements</p> |
| <p>Delete: 19.335</p> |
| <p>“The holder of a certificate of approval for supply issued before and current on 22 June 2006 does not need to comply with the requirements of rule 19.325(a)(10)(vi) until 22 December 2006.”</p> |
| <p>Explanation of Change: This provision is no longer required.</p> |
| <p>NZCAR Part 19.5 Civil aviation ensign Appendix A – Civil Air Ensign</p> |

Delete: 19.5 and Appendix A**19.5 Civil Aviation Ensign**

“(a) The design and colours of the New Zealand Civil Air Ensign shall be those specified in Appendix A.

(b) The New Zealand Civil Air Ensign may be flown— (1) by the Civil Aviation Authority of New Zealand on its buildings and aircraft; or

(2) on any New Zealand registered aircraft; or

(3) at any aerodrome; or

(4) by an airline owning a New Zealand registered aircraft upon or in proximity to any building occupied by the airline as its principal office or place of business; or

(5) by any person to whom permission in writing is granted for the purpose by the Director at such places and subject to such conditions as may be specified.

(c) Except as provided in this rule, no person shall fly the New Zealand Civil Air Ensign on any aircraft or on any ship, or boat, or on any building, or elsewhere in New Zealand. “

Appendix A- Civil Air Ensign

“The Ensign shall comprise upon a field of light blue, a dark-blue Latin cross, in breadth eight-sixtieths of the hoist of the ensign, bordered by a white band two-sixtieths of the hoist of the Ensign; in the first canton the Union Flag; and in the fourth canton the Southern Cross of four five-pointed stars coloured red.

The centres of the stars forming the long limb of the cross shall be on a vertical line through the centre of the fourth canton and equidistant from its upper and lower edges, and the distance apart of the centres of the stars shall be sixteen-sixtieths of the hoist of the Ensign.

The centres of the stars forming the short limb of the cross shall be on a line intersecting the vertical limb at an angle of 82 degrees therewith and rising from near the lower inner corner of the canton towards the upper and outer corner, its point of intersection with the vertical line being distant from the centre of the uppermost star of the cross, five and one-half sixtieths of the hoist of the Ensign. The distance of the centre of the star nearest the outer edge of the canton from the point of intersection shall be equal to five-sixtieths of the hoist of the Ensign, and the distance of the centre of the star nearest the inner edge of the canton from the point of intersection shall be equal to five and one-half sixtieths of the hoist of the Ensign.

The star nearest the outer edge of the canton shall measure three and one-half sixtieths, the stars at the top and bottom of the cross and that nearest the inner edge of the canton shall each measure four-sixtieths of the hoist of the Ensign across their respective points.”

Explanation of Change

The Cook Islands does not have a Civil Air Ensign

NZCAR 19.15 Operation within New Zealand of foreign aircraft

Delete: Part 19.15(d) and
19.201(c)

Part 19.15 (d)

“Nothing in paragraph (a) or paragraph (b) applies to aircraft engaged in air operations conducted in New Zealand under an Australian AOC with ANZA privileges.”

Part 19.201(c)

“The conditions and requirements prescribed in 19.205 and 19.207 do not apply to air operations conducted in New Zealand under an Australian AOC with ANZA privileges”.

Explanation of Change:

The provisions refer to NZ arrangements not applicable in the Cook Islands.

NZCAR Part 19.335 Transitional arrangements

Delete: 19.335

19.335 Transitional arrangements

The holder of a certificate of approval for supply issued before and current on 22 June 2006 does not need to comply with the requirements of rule 19.325(a)(10)(vi) until 22 December 2006.

Explanation of Change:

The provision is now redundant.

(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

In respect of 19.317 (a) , the intent is to identify the person who has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be financed and carried out in accordance with the requirements prescribed in the subpart. For the Cook Islands, where the applicant for a document is the subsidiary of an international organisation, the in country manager would for example satisfy the requirement.

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

- Part 19 Original Issue: 1 April 1997
- Amendment 1; 23 April 1998
- Amendment 2; 1 January 1998
- Amendment 3; 30 April 1999
- Amendment 4; 1 July 2002
- Amendment 5; 12 December 2003
- Amendment 6; 1 June 2004
- Amendment 7; 25 November 2004
- Amendment 8; 11 May 2006
- Amendment 9; 22 June 2006
- Amendment 10 30 March 2007
- Amendment 11; 26 September 2007
- Amendment 12; 18 January 2008
- Amendment 13; 9 October 2008
- Amendment 14; 23 October 2009
- Amendment 15; 25 March 2010
- Amendment 16; 1 April 2014
- Amendment 17; 1 August 2015
- Amendment 18; 24 September 2015
- Amendment 19; 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.