
NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 43
General Maintenance Rules

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

Cook Island Civil Aviation Rule (CICAR): Part 43 General Maintenance 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 43** 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 objective of the Rule is to establish, for all aircraft, the minimum standard of maintenance considered necessary to ensure the continued validity of their Airworthiness Certificate. The Rule will also ensure that all aircraft are maintained to a standard that assures safe operation. The Rule provides the details for the inspections required to be completed in accordance with Rule Part 91.

This is achieved by prescribing:

- the minimum standard of maintenance required for aircraft; and
- the minimum standards for the performance of maintenance; and
- the persons who may certify maintenance; and
- the manner in which maintenance is to be recorded and certified.

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 43 of the New Zealand Civil Aviation Rule (Consolidated version dated 30 October 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Avatiu Port
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:

- Airports 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 43

(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 “CAA of NZ” or CAA substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”.
- For “CAA Form One” substitute “MOT Form One”
- For “CAA Form Two” substitute “MOT Form Two”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 43.51 Persons to perform maintenance; and 43.101 Persons to certify release-to-service	
Delete: 43.51(2) and 43.101(2)	Insert: 43.51(2) and 43.101(2)
“holds an appropriate current aircraft maintenance engineer licence and an appropriate rating issued by the Civil Aviation Safety Authority of Australia, and has had that licence registered by the Director in New Zealand under the Trans-Tasman Mutual Recognition Act 1997; or”	“holds an appropriate current aircraft maintenance engineer licence and an appropriate rating issued by the Civil Aviation Safety Authority of Australia, or the Civil Aviation Authority of New Zealand; or”
Explanation of Change: This removes reference to the New Zealand Act and also allows recognition of maintenance engineers, and their ability to perform maintenance and to certify an aircraft or component for release-to-service after maintenance, from New Zealand and Australia directly.	

NZCAR 43.51 Persons to perform maintenance

Delete: 43.51(3)	Insert: 43.51(3)
“(3) a current aircraft maintenance engineer licence issued by the Civil Aviation Safety Authority of Australia, if that licence is registered by the Director in New Zealand under the Trans-Tasman Mutual Recognition Act 1997.”	“(3) a current aircraft maintenance engineer licence issued by the Civil Aviation Safety Authority of Australia, or the Civil Aviation Authority of New Zealand.”
Explanation of Change: Removes reference to an NZ Act and also allows recognition of maintenance engineers from New Zealand and Australia directly.	

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

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 43.1 Purpose
Delete: 43.1(b)
b) Unless specified otherwise in a technical arrangement, the requirements of subparts B and C do not apply to a person performing maintenance on a New Zealand registered aircraft or on a component intended to be fitted to a New Zealand registered aircraft if the maintenance is performed— <ol style="list-style-type: none"> (1) in another State that is party to a technical arrangement; and (2) under the authority of and in accordance with a maintenance organisation certificate or approval issued by the State referred to in paragraph (b)(1); and (3) in accordance with the relevant procedures and authorisations of the maintenance organisation referred to in paragraph (b)(2); and (4) in accordance with the relevant maintenance standards and procedures of the State referred to in paragraph (b)(1) unless specified otherwise in the technical arrangement; and (5) in accordance with any conditions specified in the technical arrangement.
Explanation of Change: Technical Arrangements are not included in the CAA Act 2002. This deletion is consistent with the deletion of the definition of Technical Arrangement in Part 1.

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

- Part 43 Original Issue; 1 June 1995
- Amendment 1; 1 April 1997
- Amendment 2; 1 April 1997
- Amendment 3; 25 December 1997
- Amendment 4; 28 July 2003
- Amendment 5; 1 March 2007
- Amendment 6; 22 November 2007
- Amendment 7; 3 December 2009
- Amendment 8; 25 March 2010
- Amendment 9; 10 November 2011
- Amendment 10; 1 April 2014
- Amendment 11; 25 September 2015
- Amendment 12 ;10 March 2017
- Amendment 13; 30 October 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Cook Island.

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 Island 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]