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**NOTICE OF RULE MAKING**  
**COOK ISLANDS CIVIL AVIATION RULE PART 61**  
**Pilot Licences and Ratings**

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

**Cook Island Civil Aviation Rule (CICAR): Part 61 Pilot licences and Ratings**

**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 61** in force as at **18<sup>th</sup> 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 requirements to hold pilot licences and ratings; the prerequisites for those qualifications and their privileges and limitations.

The Rule also details the requirements for the validation of licences and ratings from other countries and includes how the Cook Islands deals with the privileges and limitations for the use of validated licences.

**Commencement of Rule into Force**

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

**Availability of Rules**

A copy of Part 61 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:

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- 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 this 28<sup>th</sup> day June 2018.

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned to the left of the text.

Hon Henry Puna  
Minister of Civil Aviation

### Interpretation and Modification Statement for Part 61

(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 “regulation(s)” 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 “Form CAA” substitute “Form MOT”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”
- In subpart A paras 61.29 to 61.43, excluding 61.35 and 61.41, pilot licence is deemed to include a validation permit issued under 61.9.

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 61.9 Validation permit for a foreign pilot licence	
Delete: 61.9(b)(i)	Insert: 61.9(b)(i)
“(1) an expiry date for the permit which must not exceed 6 months from the date of issue; and “	(1) an expiry date for the permit which must not exceed 3 years from the date of issue; and “
<b>Explanation of Change:</b> The additional requirements inserted for oversight of the validated licences mean that safety is not compromised by the extension of the validation term.	

NZCAR 61.35 Medical Requirement	
Delete: 61.35 (a)	Insert: 61.9(b)(i)
61.35(a) “(a) A person who holds a pilot licence, other than a recreational pilot licence, must not exercise the privileges of the licence unless—	61.35(a) “(a) A person who holds a pilot licence must not exercise the privileges of the licence unless—

**Explanation of Change:**

The Cook islands is not providing for the issue of a recreational pilots licence. Firstly because there is very little interest, and secondly medical requirements set out in the NZCARS are difficult to replicate safely in the Cook Islands environment.

(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 61.5 Requirement for Pilot Licences and Ratings**

Delete: 61.5(b)(4), 61.5(c)(3), 61.5(d)(5) and 61.5(j)(4)

61.5(b) "(4) issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the licence." and

61.5(c) "(3) issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the licence, provided the operation of the aircraft by the holder of an Australian pilot licence is acceptable to the pilot licensing authority of the country of aircraft registry." and

61.5(d) "(5) attached to a pilot licence issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the Licence."

61.5(j) "(4) attached to a pilot licence issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the licence; or"

**Explanation of Change:**

Not applicable to the Cook Islands.

**NZCAR 61.7 Pilot licences, ratings and permits**

Delete: 61.7(1) and renumber (1) to (9) as (1) to (8)

"(1) recreational pilot licence – Aeroplane:  
– Helicopter"

<p><b>Explanation of Change:</b></p> <p>It is not appropriate in the Cook Islands to provide for a recreational Pilot licence as there is no system in place which can provide a level of assurance on the medical conditions of any applicant.</p>
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<p><b>NZCAR 61.35 Medical Requirement</b></p>
<p><b>Delete: 61.53(b) and 61.53(d)</b></p>
<p><b>61.53(b)</b></p> <p>“(b) A person who holds a recreational pilot licence must not exercise the privileges of the licence unless the person—</p> <p>(1) holds a medical certificate, issued in accordance with rule 44(1) of the Land Transport (Driver Licensing) Rule 1999, that is applicable for a Class 2, 3, 4 or 5 driver licence with passenger endorsement which—</p> <p>(i) was issued within the previous 5 years; or</p> <p>(ii) if the person is 40 years of age or older, was issued within the previous 24 months; and</p> <p>(2) is complying with all the conditions, restrictions and endorsements on the medical certificate.”</p>
<p><b>61.53(d)</b></p> <p>(d) A person who is required under paragraph (b), or under rule 61.355(a) (2), to hold a medical certificate issued in accordance with rule 44(1) of the Land Transport (Driver Licensing) Rule 1999 must provide the Director with a copy of the medical certificate within 7 days of the date of issue.</p>
<p><b>Explanation of Change:</b></p> <p>It is not appropriate in the Cook Islands to provide for a recreational Pilot licence as there is no system in place which can provide a level of assurance on the medical conditions of any applicant.</p>

<p><b>NZCAR 61.105 –Solo flight requirements</b></p>
<p><b>Delete 61.105(a)(2)(ii)</b></p>
<p>“(ii) a medical certificate, issued under rule 44(1) of the Land Transport (Driver Licensing) Rule 1999, that is applicable for a Class 2, 3, 4 or 5 driver licence with passenger endorsement which—</p> <p>(A) was issued within the previous 5 years; or</p> <p>(B) if the person is 40 years of age or older, was issued within the previous 24 months;</p>

and”
<b>Explanation of Change:</b> This removes reference to New Zealand requirements that cannot be complied with in the Cook Islands
<b>NZCAR 61.739 –Transitional provisions for holders of agricultural ratings</b>
<b>Delete 61.739</b>
61.739 (a) This rule applies to current agricultural ratings issued before 15 April 2016. (b) A pilot who holds a rating to which this rule applies may exercise the privileges in rule 61.735 until the currency period for the agricultural rating expires, if the pilot holds a current pilot chemical rating. (c) A pilot in rule 61.737 (b) who successfully demonstrates competency before the expiry of the agricultural rating— (1) is deemed to comply with rule 61.731(2); and (2) may be issued with an aerial VTA rating.
<b>Explanation of Change:</b> No longer required.

(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

In subpart A paras 61.29 to 61.43, excluding 61.35 and 61.41, pilot licence is deemed to include a validation permit issued under 61.5.

<b>NZCAR 61.35 Medical Requirement</b>
<b>Insert: 61.35 (c)(3),4</b>
“(3) advises the Director of any medical condition which might affect their ability to undertake the privilege of their licence; (4) advise the Director immediately if any additional condition, restriction or endorsement has been placed on their medical certificate that was not present on the granting of the validation permit.”

**Explanation of Change:**

Allows the Director in the Cook Islands to be made aware of any medical conditions affecting a pilot operating under a validation permit.

(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 18<sup>th</sup> April 2018, including:

- Part 47 Original Issue: 5 November 1992
- Amendment 1; 30 October 1994
- Amendment 2; 8 February 1996
- Amendment 3; 4 December 1997
- Amendment 4; 25 December 1997
- Amendment 5; 30 April 1999
- Amendment 6; 1 April 2002
- Amendment 7 (Re-issue); 11 May 2006
- Amendment 8; 20 December 2007
- Amendment 9; 8 May 2008
- Amendment 10; 10 November 2011
- Amendment 11; (Re-issue) 15 April 2016
- 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 the Cook Islands.

The intention from this adoption statement is that for pilot licences and ratings the systems that are provided for in the NZCAR Part 61 are adopted in the Cook Islands, but in addition there is the ability to recognise and validate foreign licences for a period of 3 years.

Currently the Cook Islands does not have the capability or capacity to provide a medical licencing system. The validation of foreign licences relies upon the applicant undertaking all the checks within that foreign country. The additional requirements in the medical area added to the Rules allow the Director to be sure the Pilot is fit to fly for the full 3 years of the permit.



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In addition, a validation permit must be read as equivalent to a pilot licence to enable such matters such as biennial flight requirements to be imposed, and for log books specific to the Cook Islands to be maintained.

NZCAR 67 – Medical Standards and Certification will be available in the Cook Island Rule system but not formally adopted until the Cook Islands has the capability or capacity to utilise it.

In addition it is intended that the category of recreational pilot, will not apply in the Cook Islands. All persons who would fly within that category in NZ must apply for a PPL (at the least) in the Cook Islands.

**Reference to pilot licence in other Parts of the Rules is deemed to include a validated pilot's licence under this Part.**

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]