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**NOTICE OF RULE MAKING**  
**COOK ISLANDS CIVIL AVIATION RULE PART 65**  
**Air Traffic Service Personnel Licences and Ratings**

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

Cook Island Civil Aviation Rule (CICAR): Part 65, Air Traffic Services Personnel 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 65** 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 provides for the issue of air traffic service licences and ratings, including the conditions, privileges and limitations associated with those licences and ratings.

The Rule also details the requirements for the validation of licences and ratings from other States.

**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 65 of the New Zealand Civil Aviation Rule (Consolidated version dated 24 September 2015) 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)

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### 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

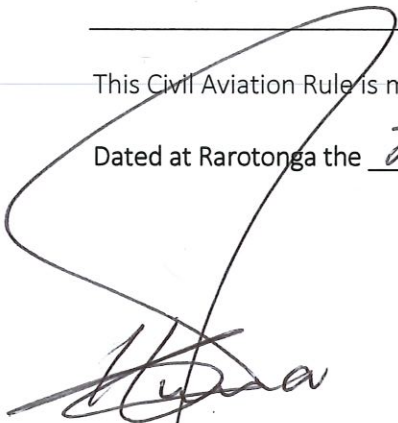
The Ministry of Transport received written submissions from:

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



Hon Henry Puna  
Minister of Civil Aviation

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Interpretation and Modification Statement for Part 65

(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 Civil Aviation – 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”

Below, “NZCAR” means New Zealand Civil Aviation Rule

(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 65.103 Eligibility requirements	
Delete: 65.103(a) (i)	Insert: 65.103(a) (i)
“(1) an appropriate current air traffic service licence issued under this Part; and”	“(1) an appropriate current air traffic service licence or validated air traffic service licence, issued under this Part; and”
<b>Explanation of Change:</b> This recognises a validated air traffic service licence from an overseas ICAO contracting State.	

NZCAR 65.253(b) 65.403(c) Eligibility requirements
Delete: 65.253(b) and 65.403(c)
65.253(b) A person who held an airways services personnel licence issued under the Civil

Aviation Regulations 1953 is deemed to meet the eligibility requirements of paragraph (a). <b>65.403(c)</b> A person who at the time this Part comes into effect is exercising privileges, equivalent to those of 65.405, under the authority of an Airways Service Certificate issued under the Civil Aviation Regulations 1953, is deemed to meet the eligibility requirements of paragraph (a).
<b>Explanation of Change:</b> Not applicable to the Cook Islands.

NZCAR 65.405 Privileges and limitations	
<b>Delete:</b> 65.405(b)(3)(ii)	<b>Insert:</b> 65.405(b)(3)(ii)
“(ii) within the immediately preceding 13 months have demonstrated to the holder of an air traffic service examiner rating the ability to exercise those privileges by passing an examination and a practical test based on the exercise of those privileges of the rating.”	ii) within the immediately preceding 3 years have demonstrated to the holder of an air traffic service examiner rating the ability to exercise those privileges by passing an examination and a practical test based on the exercise of those privileges of the rating.”
<b>Explanation of Change:</b> This recognises the less complicated Air Traffic Services and airways system, lower level of air traffic and small size of air traffic services staff in the Cook Islands.	

NZCAR 65.455 Privileges and limitations	
<b>Delete:</b> 65.455(b)(3)	<b>Insert:</b> 65.455(b)(3)
“(ii) within the immediately preceding 13 months have demonstrated to a Civil Aviation Authority testing officer the ability to perform the duties of an air traffic service examiner.”	ii) within the immediately preceding 3 years have demonstrated to a Civil Aviation Authority testing officer the ability to perform the duties
<b>Explanation of Change:</b> This recognises the less complicated ATS and airways system, lower level of air traffic and small size of air traffic services staff in the Cook Islands.	

(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

<b>NZCAR Part 65.1 Applicability</b>
Insert: 65.1.(4)and (5)
After 65.1(3) "ratings" insert "; and (4) the validation of overseas air traffic services licences and associated ratings; and (5) the privileges and limitations of the validated licences and ratings."
<b>Explanation for the additional provision:</b> This explains at the beginning of the Rule, that the Rule includes provisions around the validation of an overseas licence and its ratings.

<b>NZCAR Part 65.3 Definitions</b>
Insert: validated air traffic service licence (in the appropriate alphabetical place.)
"Validated air traffic service licence means any validated licence with endorsed ratings, issued under Part 65"
<b>Explanation for the additional provision:</b> This provides a definition for a validated air traffic service licence.

<b>NZCAR 65.5 Requirement for licence and ratings</b>	
<b>Delete:</b> 65.5(a) (i), (2) (b), and (2)(c).	<b>Insert:</b> 65.5(a)(i), (2)(b) and (2)(c)
“(1) an appropriate current air traffic service licence issued under this Part; and (2) an appropriate current rating issued and validated under this Part. (b) A person who exercises the privileges of an air traffic service instructor listed in rule 65.405, must hold a current air traffic service instructor rating issued under this Part. (c) A person who exercises the privileges of an air traffic service examiner listed in rule 65.455, must hold a current air traffic	“(1) an appropriate current air traffic service licence or validated air service licence, issued under this Part; (2) an appropriate current rating issued and validated under this Part; or an appropriate current validated air service licence with the appropriate rating (b) A person who exercises the privileges of an air traffic service instructor listed in rule 65.405, must hold a current air traffic service instructor rating issued under this Part or a current validated air traffic service licence with an associated instructor rating.

service examiner rating issued under this Part.	(c) A person who exercises the privileges of an air traffic service examiner listed in rule 65.455, must hold a current air traffic service examiner rating issued under this Part or a current validated air traffic service licence with an associated examiner rating.
<p><b>Explanation of Change:</b> This recognises the ability to use persons holding validated overseas air traffic service licences with the associated ratings within an air traffic service.</p>	

NZCAR 65.11 Application for licences and Ratings	
Delete: 65.11	Insert: 65.11
<p>“Each applicant for the grant of an air traffic service licence, an air traffic service instructor rating, or an air traffic service examiner rating, or for the endorsement of any other rating on that licence, shall complete form CAA 24065/01 and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act.”</p>	<p>Each applicant for the grant of an air traffic service licence, a validated air traffic service licence, an air traffic service instructor rating, or an air traffic service examiner rating, or for the endorsement of any other rating on that licence, shall complete form MOT 24065/01 and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act</p>
<p><b>Explanation of Change:</b> This allows persons holding overseas air traffic service licences to apply for validation of those licences.</p>	

NZCAR 65.15 Duration of licences and ratings	
Delete: 65.15(a)	Insert: 65.15(a)
<p>“(a) Except as provided in paragraph (b), a licence or rating issued under this Part shall be valid for the lifetime of the holder unless it is suspended or revoked in accordance with the Act.”</p>	<p>“(a) Except as provided in paragraph (b) and (c), a licence or rating issued under this Part shall be valid for the lifetime of the holder unless it is suspended or revoked in accordance with the Act”</p>
<p><b>Explanation of Change:</b> This includes an exception to the creation of a lifetime licence.</p>	

<b>NZCAR 65.15 Duration of Licences and Ratings</b>
<b>Insert: 65.15(c)</b>
(c) A validated air traffic service licence issued under this part shall be valid for three years unless it is suspended or revoked by the originating State.
<b>Explanation of Change:</b> This provides for a three year limit on a validated air traffic service licence, on the basis that the requirements of the medical needed to be continually checked and in any case if a rating is added a new validation licence is required.

<b>NZCAR Part 65.25 Medical Requirements</b>
<b>Insert: 65.25(b)</b>
<p>“The holder of a validated air traffic trainee licence, or validated air traffic controller licence issued under this part shall not exercise the privileges of that licence unless the person-</p> <p>(3) holds the equivalent to a current Class 3 medical certificate issued by a foreign contracting State to the convention; and</p> <p>(4) where the Director has validated that certificate in accordance with set procedures ;and</p> <p>(5) where the Director is satisfied that the holder is complying with all the currency requirements from the State of issue; and</p> <p>(6) is informed if the holder has any medical condition which would render them unable to exercise the privileges of their licence; or</p> <p>(7) or if the medical certificate is revoked by the State of Issue.</p>
<b>Explanation for the additional provision:</b> This allows the licensee to exercise the privileges of the licence utilising a validated overseas medical certificates from another ICAO contracting Sate, while ensuring that the Director also has some oversight on the individual’s medical state.

(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 65 Original Issue: 1 April 1997
- Amendment 1; 1 April 2002
- Amendment 2; 22 June 2006
- Amendment 3; 25 March 2010
- Amendment 4; 1 April 2014



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- Amendment 5; 24 September 2015

(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 intent of the addition of a validated air traffic licence is to provide a mechanism for the Cook Islands to comply with ICAO standards, or at least have a process for the oversight of medical certificates. The Cook Islands currently does not have the ability to provide a medical certification unit. Under these changes the Director is able to validate a licence from an acceptable overseas State. The licence is valid for 3 years and there are conditions in relation to medical requirements. Also ratings cannot be added to validated licences. So each time a rating is needed it must be attained through another State and validated in the Cook Islands. All recurrency and other training must be undertaken in the foreign State.

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]