
NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 77
Objects and Activities Affecting Navigable Airspace

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

Cook Island Civil Aviation Rule (CICAR): Part 77 Objects and Activities Affecting
Navigable Airspace Airspace

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 77** 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

This Rule affects those persons proposing to construct or alter a structure that could pose a hazard to navigable airspace and also sets the rules around the use of structures, lights, lasers, weapons, or pyrotechnics that could pose a hazard in navigable airspace.

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 77 of the New Zealand Civil Aviation Rule (Consolidated version dated 1 April 2014) 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 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 June 2018.



Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 77

(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 “territorial limits of New Zealand” substitute “territorial limits of the Cook Islands”
- 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

NZCAR 77.1 Purpose	
Delete: (a) and (b)	Insert: (a) and (b)
<p>(a) “Subject to paragraph (b), this Part prescribes rules for persons within the territorial limits of New Zealand, including the New Zealand Defence Force, proposing “</p> <p>(b) “This Part does not apply to— (1) any member of the New Zealand Defence Force or any aircraft operated by the New Zealand Defence Force acting in connection with— (i) any war or other like emergency; or (ii) the defence of New Zealand and other New Zealand interests; or (iii) aid to the civil power in time of emergency; or</p>	<p>(a)” Subject to paragraph (b), this Part prescribes rules for persons within the territorial limits of the Cook Islands, proposing”</p> <p>b) “This Part does not apply to— (1) any aircraft being operated in connection with— (i) any war or other like emergency; or (ii) the defence of the Cook Islands and other Cook Island interests; or (iii) aid to the civil power in time of emergency; or (iv) the provision of any public service; or</p>

(iv) the provision of any public service; or (v) any operation performed within a restricted, danger, or military operating area designated under Part 71 for military purposes; and"	(v) any operation performed within a restricted, or danger area designated under Part 71; and"
Explanation of Change: Applying the Rule to circumstances relevant to the Cook Islands and deleting mention of the new Zealand Defence Force.	

NZCAR 77.3 Definition	
Delete:	Insert:
"Navigable airspace means airspace at or above the minimum flight altitudes prescribed by or under the Civil Aviation Rules, including all legitimate low level operations but not including restricted, danger, and military operations areas activated for use by the New Zealand Defence Force:"	"Navigable airspace means airspace at or above the minimum flight altitudes prescribed by or under the Civil Aviation Rules, but not including restricted, and danger, or activated for use in defence exercises"
Explanation of Change: Applying the Rule to circumstances relevant to the Cook Islands	

NZCAR 77.3 Definition	
Delete:	Insert:
"NZS/AS 2211 means the New Zealand standards for laser safety approved by the Standards Authority under the provisions of the Standards Act 1988:"	NZS/AS 2211 means the current New Zealand standards for laser safety approved by the Standards Authority in New Zealand:"
Explanation of Change: Applying the Rule to circumstances relevant to the Cook Islands	

NZCAR 77.5 Notice of construction or alteration of structure	
Delete: 77.5(4)(iii)	Insert: 77.5(4)(iii)
“(iii) as defined in the local district scheme”	“(iii) as defined in any district plan covering the area”
Explanation of Change: Applying the Rule to circumstances relevant to the Cook Islands	

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

Nil

(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 77 Original Issue: 1 April 1997
- Amendment 1; 5 August 2004
- Amendment 2; 22 June 2006
- Amendment 3; 25 March 2010
- Amendment 4; 1 April 2014

(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]