
NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 92
Carriage of Dangerous Goods

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

Cook Island Civil Aviation Rule (CICAR): Part 92 Carriage of Dangerous Goods

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 92** 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 relates to the carriage of dangerous goods by air.

The Rule does not apply to articles or substances that are:

- specifically excluded under Part One in the Technical Instructions
- required to be aboard an aircraft in accordance with the airworthiness or operational requirements of the Civil Aviation Rules
- approved by the Director to meet special operational requirements.

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 92 of the New Zealand Civil Aviation Rule (Consolidated version dated 22 June 2006) 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

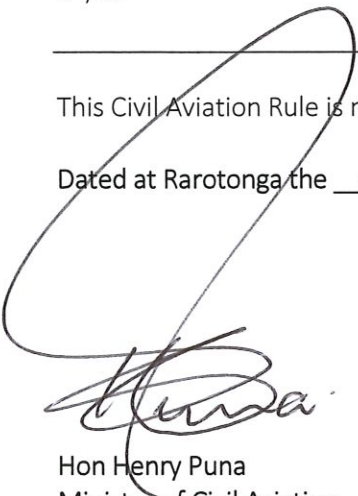
The Ministry of Transport received written submissions from:

- 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 92

(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”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 92.3 Definitions	
Delete: Approved Handler	Insert: Approved Handler
“Approved handler has the same meaning as in the Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001:”	“Approved handler has the same meaning as in the New Zealand Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001:”
Explanation of Change: Reference to the New Zealand legislation. While this is not ideal. Approved handler is not defined elsewhere	

NZCAR 92.3 Definitions	
Delete: Telarc	Insert: Telerc
“Telarc means the Testing Laboratory Registration Council established by section 3 of the Testing Laboratory Registration Act 1972:”	“Telerc means the Council established in New Zealand under the New Zealand Testing Laboratory Registration Act 1972:”
Explanation of Change:	

Reference to the Cook Islands legislation.
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NZCAR 92.3 Definitions	
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Delete: Postal article	Insert: Postal article
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“Postal article has the same meaning as in the Postal Services Act 1998:”	“Postal article has the same meaning as in the Telecommunications Act 1989”
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Explanation of Change:	
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Reference to the Cook Islands legislation.	
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NZCAR SubPart B- Packaging, Packing, Marking, and Labelling	
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Delete: 92.51(a)(3)(iii)	Insert: 92.51(a)(3)(iii)
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“for class 7 dangerous goods, approved by the National Radiation Laboratory of the Ministry of Health; and”	“for class 7 dangerous goods, approved by the Ministry of Internal Affairs; and “
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Explanation of Change:	
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Reference to the Cook Islands Ministry.	
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(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Island

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 92 Original Issue: 14 November 1995

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- Amendment 1; 1 April 1997
 - Amendment 2; 22 June 2006

(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.

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 Islands 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]