
NOTICE OF RULE MAKING

COOK ISLANDS CIVIL AVIATION RULE PART 149 Aviation Recreation Organisations – Certification.

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

Cook Island Civil Aviation Rule (CICAR): Part 149, Aviation Recreation Organisations – Certification

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 149** 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 covers the certification and operation of aviation recreation organisations. These organisations may be approved to administer, on behalf of the Ministry of Transport, the issue of licenses to participants in certain recreational aviation activities (parachuting, hang gliding and para gliding and operation of microlights).

While there is no current activity of this sort in the Cook Islands the Rule provides the appropriate regulatory safety framework should a person or organisation wish to commence such activities in future

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 the consolidated version of Part 149 of the New Zealand Civil Aviation Rule dated 1 July 2017 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 Part 149

(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 “Cook Island”.
- 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 Island Ministry of Transport”
- For “form CAA” substitute “form Ministry”. Cook Island Ministry of Transport form numbers are otherwise identical to New Zealand CAA form numbers.
- For “CAA of NZ” substitute “Ministry of Transport – Civil Aviation Division of Cook Islands”
- For “CAA Consolidation” substitute “Cook Islands Incorporated Consolidation”

Below “NZCAR” means New Zealand Civil Aviation Rule

| NZCAR 149.3 – Requirement for Certificate | |
|---|---|
| Delete | Insert |
| <p>“No aviation recreation organisation shall administer the issue of an aviation document, that is required by the Civil Aviation Rules for the certification or rating of personnel, except in accordance with the provisions of—</p> <p>(1) an aviation recreation organisation certificate issued under this Part; or</p> <p>(2) a microlight organisation certificate issued under Part 103 that was current on 1 April 1997.”</p> | <p>“No aviation recreation organisation shall administer the issue of an aviation document that is required by the Civil Aviation Rules for the certification or rating of personnel, except in accordance with the provisions of an aviation document for a recreation organisation issued under this Part.”</p> |
| <p>Explanation of Change: There is no such activity in the Cook Islands, now or previously, and the savings provision in subparagraph (2) is therefore not required.</p> | |

| NZCAR 149.59 – Personnel certification | |
|--|--------|
| Delete | Insert |
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| “(b) The procedures required by paragraph (a) shall include procedures for satisfying the requirements of sections 8, 9, and 10 of the Act. “ | “(b) The procedures required by paragraph (a) shall include procedures for satisfying the requirements of sections 27 and 28 of the Civil Aviation Act 2002. “ |
| Explanation of Change: References to New Zealand Civil Aviation provisions. | |

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

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| NZCAR 149.62 Transition arrangement |
| Delete 149.62 |
| 149.62 Transition arrangement (a) An applicant for the grant of an aviation recreation organisation certificate that authorises them to organise aviation events is not required to comply with rule 149.61(2) until 1 February 2018. (b) This rule expires on 1 February 2018 |
| Explanation of Change There are no current organisation in the Cook islands. If applications are made transition provisions are not needed. |

(iii) Any general exemptions which will apply in Cook Island

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Cook Island

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| New CICAR 149.7 Issue of Certificate from a Foreign State |
| Insert: 149.8 |
| “1 An applicant is entitled to an aviation document for a recreation organisation if the Director is satisfied that - (1) the applicant, and any senior person or persons are fit and proper persons; and |

- (2) the applicant has been granted an aviation document for a recreation organisation or its equivalent in an ICAO contracting State; and
- (3) the ICAO contracting State has sufficient oversight of the organisation; and
- (4) the applicant provides the Director with a copy of all documentation required by Subpart B relevant to any activity in the Cook Islands and including a copy of the exposition required in the ICAO contracting State. and
- (2) the applicant provides the Director with copies of each surveillance action required by the contracting State, and the Director is satisfied with the actions undertaken by the contracting State and the organisation resulting from the surveillance action.
- (3) the granting of the certificate is not contrary to the interests of aviation safety”

Explanation of Change

This allows an organisation certificated In an ICAO member State to operate in the Cook islands. The provisions ensure there is sufficient oversight.

(v) Any direction as to the application or non-application to Cook Island 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 1 July 2017, including:

- Part 149 Original Issue: 1 April 1997
- Amendment 1: 24 August 2007
- Amendment 2: 1 February 2016

(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]