

MEDIA STATEMENT

25 March 2021

SA Civil Aviation Authority focused on regulating civil aviation safety and security

Johannesburg – The South African Civil Aviation Authority (SACAA) is concerned with the recent spate of allegations and accusations which are bordering on obsession regarding one particular operator, namely the South African Airways (SAA) that brings into question the credibility and the independence of the Regulator.

The SAA is but one operator amongst a multitude of operators that the SACAA regulates. SAA operations have in the past twelve months drastically changed as a result of its woes which are widely publicised but are not related to safety and security non-compliance. Of concern to the Regulator is that an application for an exemption which was approved by the SACAA, and which is a common phenomenon and certainly not unique to SAA, is being twisted to paint a picture that the SAA is receiving preferential treatment from the Regulator.

Here are the facts. The Regulator processes several exemptions from various operators in the industry daily. An exemption process is a legislated and an international best/common practice. In line with the Civil Aviation Regulations provisions, an exemption application is submitted by the licence holder, the SAA in this instance, to request for permission from the Regulator to deviate from the set legal requirements. The applicant must submit a risk assessment to give assurance and comfort to the Regulator that, despite deviating from the set Regulatory requirements, measures have been put in place to ensure that safety will not be compromised. These applications undergo a rigorous assessment process by various departments within the SACAA to ensure that the granting of such an exemption will not jeopardise aviation safety hence this is a very involved process. During the exemption assessment process, the application may go back and forth in the quality control system until there is comfort that civil aviation safety and security risk is sufficiently mitigated. This is by no means an overnight process.

During the 2017 ICAO Universal Safety Oversight Audit Programme, the International Civil Aviation Organization (ICAO) commended the intensity and due diligence which the SACAA's exemption process follows to a an extent that ICAO recommended that other member states can take cue from South Africa in this regard.

The recent obsession over the exemption granted to the SAA has left the Regulator perplexed as to the motives of those who have leaked this exemption to the public. Our conclusion can only be that this was to deliberately confuse and mislead the public in an

area where they have limited understanding of the legislative prescripts and requirements, as espoused in the Civil Aviation Act. As the SACAA, we are convinced that this is the ultimate aim as only the outcome letter of the exemption was leaked whilst the other supporting documents which contain more details have not been shared with the public. We are equally convinced that this exercise sought to confuse the public and create an impression that this is an anomaly, whilst this is not the truth.

Moreover misleading statements were made to the effect that the SACAA granted thirteen (13) exemptions whilst the truth is that only one (1) exemption in relation to the competency and recency of the crew training was made, and in granting this exemption all applicable provisions were considered and mitigated, and all the affected regulatory provisions were included to close the gaps which may compromise civil aviation safety and security. It is hardly a surprise to the SACAA that the same individuals who have appointed themselves as "experts" in the Regulatory space have no grasp of regulatory processes as well as expertise.

Recent inquiries related to the incident experienced by the SAA during their Brussels flight is currently making headlines. Any operator who experiences any type of incident that may have an impact on safety is required to report such incident to the Regulator within a specified period. The SAA filed an incident report as required by the law, however they failed to file the report within the prescribed period which ranges between 24, 48 and 72 hours depending on the nature of the incident. Upon receipt of the incident report, the SACAA put together a team of technical experts to investigate the incident itself as well as the reasons for the late filing of the incident report. Based on the outcomes of the investigation the SACAA will take corrective action(s) commensurate with the non-compliance.

Until the investigation is concluded, the Regulator cannot comment further about this matter as anything to the contrary will be based only on speculation. The Regulator takes all kinds of enforcement action against non-compliant operators and this is duly disclosed annually in the Regulator's annual report. Any suggestion that the Regulator is "sweeping matters" under the carpet is far from the truth and would in fact go against the regulatory principles adopted.

It is therefore disingenuous to attempt to bring into disrepute the reputation of a performing public entity in a quest to push individualistic agendas. If the SACAA is to be judged on the basis of a decision made in respect of one operator, the question begs, what does this say about the over 200 Air Operator Certificate holders who operate on the basis of these approvals, the more than 44 000 aviation personnel licence holders whose licences enjoy the recognition of authorities the world over, the more than 200 aviation training schools who hold SACAA approvals and the over 300 aircraft maintenance organisations who conduct safety checks on aircraft. What does this narrative say about the zero fatal accident rate enjoyed by our commercial airline industry in over 30 years?

What do these untrue and untested negative sentiments peddled do to the plausibility of these approvals issued by the SACAA especially to the outside world? Some of these

individuals peddling these lies are holders of the very same licences and approvals from a purported "compromised" Regulator. Of importance to state is that the SACAA has a reputation and remains one of the best performing state entities in the country and its performance has been audited and validated by numerous reputable and independent organisations both locally and internationally.

To expect the organisation to dedicate its time and effort responding to frivolous accusations which we believe are meant to derail the SACAA from its mandate of ensuring civil aviation safety and security is unthinkable. Especially at a time when the industry is working hard to recover from the disruption of the COVID-19 pandemic. The SACAA is channelling its efforts to spearhead this recovery and to ensure that it discharges its legislative obligations as contained in the Civil Aviation Act. The time of the Regulator cannot be taken over by matters concerning one operator whilst the rest of the industry requires its attention.

It has not been long since the President announced the re-opening of the provincial and national borders for air travel to commence and the Minister of Transport publishing Transport Directions for the orderly return to service of the industry in the midst of a pandemic. The industry is slowly getting back on its feet and the Regulator is fully committed to this cause. Distractions that removes the attention of the Regulator from what is important only serves the interest of a few who are pulling the Regulator into spats not worthy of the time of the Regulator. The SACAA cannot be used in the fights that individuals have with an operator purely because that would be digressing from the mandate of the SACAA.

The SACAA refuses to be pulled into political fights. The SACAA is not a political party, and therefore has no interest in playing politics. Its mandate is clearly defined, and politics is not one those responsibilities. The SACAA is entrusted with delivering on its mandate diligently and this is done without fear or favour or any political pressure and/or interference.

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About the SACAA:

The South African Civil Aviation Authority (SACAA) is a Schedule 3A public entity reporting to the Department of Transport established in terms of the Civil Aviation Authority Act, 2009 (Act No 13 of 2009) (the Act). In terms of mandate, the SACAA is tasked with promoting and maintaining a safe, secure and sustainable civil aviation environment, by regulating and overseeing the functioning and development of the industry in an efficient, cost-effective, and customer-friendly manner according to international standards. The SACAA is governed and controlled by the Civil Aviation Authority Board.

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