



MEDIA STATEMENT

12 DECEMBER 2018

SA Civil Aviation Authority Issues CemAir with an Air Operator Certificate Prohibition Order

[Johannesburg]. The South African Civil Aviation Authority (SACAA) has issued CemAir (Pty) Ltd with Air Operator Certificates (AOCs) prohibition order for a period of 24 hours, which lapses at 13:30 on Thursday, 13 December 2018.

The effect of this decision is that CemAir is precluded from exercising any of the privileges that relate to its Air Operator Certificates. The operator is required to submit proof of compliance before the expiry of the stated 24 hours, or to make a representation, and state reasons as to why their Air Operator Certificates should not be revoked.

The decision to curtail CemAir's AOCs privileges follows the raising of two (2), Level One (1) findings against the operator by SACAA inspectors during an annual permit renewal audit.

A Level 1 finding can be described as a severe non-compliance or non-conformance that poses a very serious safety risk to the public and necessitates immediate enforcement action by the SACAA and its authorised officers.

The non-compliances that were uncovered during the audit not only contravene the Civil Aviation Act, 2009 (Act No. 13 of 2009), but also contravene five (5) other South African Civil Aviation Regulations. Moreover, the non-compliance goes against the prescripts outlined in the Air Services Licensing Act (Act 115 of 1990).

The non-compliances discovered contravene the following Regulations, read together with the Air Services Licensing Act (Act 115 of 1990):

1. Part 121.06.2 (5) and (7), read together with the SA CATS
2. SACATS 121.06.2.3 (2) and SACATS 121.06.2 2 (4)
3. Part 135.06.2 (5) and (7) read together with SA-CATS
4. SACATS 135.06.2 (3) (2)and SACATS 135.06.2 2(4)
5. Air Services Licensing Act: Sec 24 (1)(d) Duties of licensee
6. Domestic Air Services Regulation, 6 Manner and form of application for a licence

In summary, at the time of the audit, CemAir could neither produce nor demonstrate the appointment of an approved and qualified person for a critical position as required by the Civil Aviation Regulations, i.e. the position of Responsible Person: Flight Operations; and this is subsequent to the lapse of the 30-day period requested by the operator for the appointment of an interim Responsible Person: Flight Operations, which in turn would have afforded them an opportunity to recruit a permanent employee for the said position.

It was subsequently found that CemAir continued to utilise an employee in the position of Responsible Person: Flight Operations despite being formally notified of the SACAA's decision to decline the request to have this particular employee appointed to occupy this very critical position as he did not meet the stipulated requirements. This malpractice demonstrates that CemAir is intentionally violating applicable Civil Aviation Regulations. This non-compliance violates the prescribed regulatory provisions applicable to a holder of both the Air Services Licence Permit, and Air Operator Certificate.

The findings of the inspection by the SACAA have determined that CemAir, as the AOCs holder, in the exercise of its permit privileges, had failed to comply with the prescribed requirements. Their actions in this regard therefore pose an immediate and serious safety hazard and risk to the public at large as well as other airspace users and its crew, and passengers.

This decision, which regrettably affects travellers, is made in the interests of advancing aviation safety.

It is the SACAA's wish that effective and prompt resolution of the issues raised will be found; and hence the Authority will provide any assistance possible to the operator, and within the Regulator's mandate, in order to ensure that the matter is resolved as soon as possible.

-ENDS-

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.

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