



MEDIA STATEMENT

24 JANUARY 2019

Johannesburg High Court dismisses CemAir's urgent application to overturn SA Civil Aviation Authority's enforcement action

[Johannesburg]. CemAir's urgent court application to overturn the South African Civil Aviation Authority's suspension and grounding notice has been dismissed, with costs. The ruling was made yesterday, i.e. 23 January 2019, at the Johannesburg High Court.

This means that CemAir's Part 121 and 135 Air Operator Certificates (AOCs) remain suspended until such time that the airline has adequately addressed the safety concerns or findings uncovered by the South African Civil Aviation Authority (SACAA) during a recent renewal audit.

The suspension came into effect on 11 January 2019, and effectively means that, without the requisite AOCs, CemAir cannot operate as an airline.

The court's decision also paves the way for the SACAA audit team to demand the return of the Certificate of Airworthiness for the grounded aircraft as well as to proceed with their intention to recommend to the Director of the Civil Aviation that CemAir's AOCs be revoked.

The SACAA does not view the Johannesburg High Court's decision as a victory for the Regulator, but more as a confirmation that the safety of the people will always take precedence when decisions of aviation safety and security are made. It is hoped that it also serves as a reminder to the aviation community that we all have a duty to prioritise the lives of those who put their safety in our hands.

It is vital to note that what is often dismissed as mere 'administrative' or 'paper work' burden is in effect, in auditing and aviation terms, a *bona fide* evidence and demonstration of a commitment and ability to comply with safety obligations on which the entire air transport network is based. The evidence of the maintenance status of an aircraft is tracked through paper work. As such, a paper trail is extremely vital and form a crucial component of the physical examination of an aircraft. The adage saying that 'if you cannot produce proof that it has been done, the conclusion is that it was never done' is befitting and applicable to aviation auditing.

It is the Regulator's view that anyone that does not subscribe to the basic aviation principle, which is safety first, does not deserve an opportunity to take to the skies.

While the Regulator appreciates and respects the right of operators to ask the courts to review its decisions; it is also of the view that the time spent going to court could be used gainfully by operators to engage genuinely with the Regulator to ensure compliance with the prescribed civil aviation regulations. The tendency to pressurise our courts to hastily decide on matters of aviation safety and security is precarious and simply amounts to coercing the judiciary to uphold non-compliance by casting doubt on the decisions of regulators and specialised agencies such as the SACAA.

As it is always the case with all operators, the SACAA is willing, able, and readily available to assist CemAir to comply with the requisite civil aviation regulatory prescripts.

-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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