

SOUTH AFRICAN



*CIVIL AVIATION
AUTHORITY*

Consultation Charter

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PREAMBLE

The Civil Aviation Authority (“the CAA”) recognises that –

1. section 5(5) of the Civil Aviation Authority Act, 1998 (Act No. 40 of 1998) (“the CAA Act”) requires that the Minister and the CAA, before finalising or amending the performance agreement referred to in section 5(1) of the CAA Act, consult the relevant stakeholders who may be affected by the performance agreement or the amendment thereof;
2. section 7 of the CAA Act requires that the CAA endeavour to consult with relevant persons, bodies and organisations in the performance of its duties;
3. part 11.02.1 of the CARs prescribes the consultation process with regard to the introduction, amendment and withdrawal of CARs;
4. parts 11.05.1, 172.02.1(2)(a), and 172.02.1(4) of the CARs provide for consultation regarding designation of airspace and aerodromes, and airspace structures and services relating thereto;
5. part 67.00.4(1) of the CARs requires that the Commissioner consults the designated body or institution, in the event that the Commissioner intends designating aviation medical examiners to perform medical examinations or tests required for issuing medical certificates;
6. part 67.00.10(1) of the CARs requires that the Commissioner consults with the designated body or institution in relation to the recognition of a foreign medical report, assessment or certificate for licence validation purposes;
7. regulation 3 of the Civil Aviation Safety Regulations, 1981 requires that the Civil Aviation Safety Committee be established;

8. clause 13.5.2 of the Performance Agreement entered into between the Minister of Transport and the CAA requires that the CAA develops a consultation charter which sets out principles on which consultation with the industry will take place, and requires that the CAA consults the industry and/ or stakeholders on its Business and Financial Planning process.

The CAA has therefore developed the consultation charter that outlines its commitment to consulting, and the key principles that will underpin all consultation undertaken by the CAA, and a guide on consultative methods, processes and systems that the CAA will adopt in consulting with the industry and stakeholders on a range of different situations.

INTRODUCTION

In order to advance the spirit of the SADC Protocol on Transport Communication and Meteorology, to comply with its statutory and contractual obligation to consult, and in appreciation of consultation as an integral part of good governance, and of the importance of an open, accountable process through which the industry and stakeholders can exchange views and influence policy or decision making, the CAA is committed to consulting with the industry and stakeholders on matters that affect them. The CAA recognises the importance of having right consultation processes in place for each matter, in order to ensure quality decisions towards which the industry and stakeholders feel a sense of ownership.

With this in mind, a consultation charter has been developed to guide the CAA's personnel in undertaking consultation processes commensurate with the possible impact of a particular matter.

The charter sets out the way in which the CAA will consult with the industry and stakeholders, and aims to ensure the appropriate level of communication and stakeholder participation in the consultation process on a range of issues.

The charter does not seek to replace statutory consultative processes and consultative processes prescribed by parliamentary rules; it merely makes provision for additional consultative activities that may be conducted depending on the issue at hand.

The charter aims to ensure that consultation is effective and timely, and that those affected by the CAA's intended decision have a genuine opportunity to be informed of it and to provide input during the decision-making process.

CONSULTATION STATEMENT

In its application of good governance, the CAA is committed to initiating, supporting and participating in meaningful industry and stakeholder consultation. The CAA will encourage active and representative industry and stakeholder participation to promote the understanding and support of the CAA's policies, business and financial plans, and other decisions that directly affect the industry and stakeholders.

During and after consultation, the CAA will ensure that the values of consultation are adhered to, in order to achieve the objectives.

Consultation will not replace the decision-making mandate of the CAA, nor is intended for reaching consensus. Consultative processes are designed to ensure that the CAA has access to a broad range of information about industry and stakeholder needs, concerns, views and options to assist it in making decisions, and to ensure effective communication of the decisions of the CAA to the industry and stakeholders.

OBJECTIVES FOR CONSULTATION

The following are the key objectives for consultation–

1. Ensuring that the industry and stakeholders are well informed of the issues, policies, plans and decisions that directly affect them, and understand the rationale underpinning them;
2. Improvement of the quality of relations between the CAA and the industry and stakeholders, and the enhancement of credible effectiveness of the CAA in regulating civil aviation and representing the interests of the industry and stakeholders with other public entities and the international civil aviation community;

3. Genuine involvement of the industry and stakeholders in consideration of issues, policies, plans and decisions that may affect them, and in identification of solutions;
4. Provision, to the industry and stakeholders, of an opportunity to positively influence decisions that may affect them, prior to such decisions being made;
5. Creation of an avenue for the industry to initiate consultation, in order to contribute towards safe and secure civil aviation.
6. Consideration of the views of the industry and stakeholders on a variety of issues, to assist the CAA in decision-making;
7. Enhancement of industry and stakeholder ownership and commitment to the CAA's decisions, and the resultant outcomes;
8. Maximisation of the possible positive effect of the decisions of the CAA and minimisation of the possible negative effect; and
9. Provision of feedback to consultation participants, on a course of action decided upon by the CAA, following the completion of a consultation process;

KEY VALUES OF CONSULTATION

The CAA acknowledges and undertakes that–

1. consultation will be a starting point, not an afterthought;
2. consultation will be conducted in a way that is easy to understand, appropriate to the issue under consideration and for participants, and shall have clear pre-determined objectives;
3. the CAA will provide relevant information to consultation participants well in advance of consultation meetings being held or closing dates for the submission of submissions or comments;
4. the method/s of consultation to be followed will be mapped out from the onset;
5. a range of possible decisions on the matter will be spelt out, and possible implications for the implementation of its proposals will be highlighted;
6. consultation will be based on openness, trust, integrity, and mutual respect for all participants;
7. all ideas presented during consultation will be valued, respected, and considered;

8. consultation will afford the industry and stakeholders an opportunity to influence decisions that affect them;
9. the information gathered during consultation will be duly considered in making decisions;
10. where appropriate, consultation will be conducted before decisions are made;
11. consultation will seek to involve all parties who can contribute to, or who are likely to be affected by the outcome of consultation;
12. effort will be made to ensure that consultation is representative; and
13. once a decision has been made, participants and other interested parties will be informed of the decision and the reasons for it;

PROCESSES OF CONSULTATION

For effective consultation, consultation processes need to be well prepared and adequately resourced. To achieve this, the CAA will, through its Executive Committee, develop consultation strategies for major activities, plans, or decisions. In developing consultation strategies, consideration will be given to–

1. detailing the planned activities that will require consultation with the industry and stakeholders;
2. defining the objectives for the proposed consultations;
3. outlining key stakeholders to be involved in the consultation process;
4. outlining proposed timing of consultation activities;
5. indicating resources that will be required to support consultation activities; and
6. describing methods to be used for the proposed consultation.

The consultation process will take one or both of the two under mentioned forms, namely–

- Informing consultation is aimed at letting the industry and stakeholders know of a matter, e.g. an impending involving consultation;
- Involving consultation is aimed at engaging the industry and stakeholders with a view of them presenting a uniform proposal to the CAA. Involving consultations will be appropriately employed during decision-making processes.

A method of consultation to be used in a particular situation will be determined based on the objects for consultation, the gravity of the possible effect of the proposal, and the desired scope of consultation. A combination of consultation methods may be used simultaneously.

METHODS OF INFORMING CONSULTATION

1. Aeronautical Information Circulars;
2. Aeronautical Information Publications;
3. NOTAMS, i.e. notices distributed by means of telecommunication containing information on the establishment, condition or any change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations;
4. Letters;
5. Hotlines;
6. Newsletters;
7. Advertising in the media;
8. Media releases;
9. Information sessions;
10. The CAA website;
11. E-mails; and
12. Public information displays/ exhibitions.

METHODS OF INVOLVING CONSULTATION

1. Surveys,
2. Request for comments;
3. Formal submissions;
4. Consultative workshops;
5. Consultation forums;
6. Special Working Groups/ Taskforces; and
7. The CAA website

FORUMS FOR CONSULTATION

The CAA has consultation forums in place, which it will endeavour to formalise, fine-tune, align with the charter, and maximise. The CAA may constitute more consultation forums as a need arises.

Each consultation forum shall deal only with matters falling within its scope, and shall not deal with matters designated for consultation in another established forum or body.

Listed hereunder, are civil aviation-related forums that currently exist, which the CAA participate in.

STATUTORY FORUMS

Civil Aviation Regulations Committee (CARCOM)

The CARCOM is constituted in terms of Part 11.02.1 of the CARs. It comprises a chairperson appointed by the Commissioner for Civil Aviation, the secretariat, and various aviation organisations, associations, and stakeholders. The CARCOM has six scheduled meetings per year. The Committee's primary purpose is to consider proposals for the introduction, withdrawal, and amendment of CARs and Civil Aviation Technical Standards, and to advise the Commissioner accordingly.

National Airspace Committee (NASCOM)

The NASCOM is constituted in accordance with Part 11.05.1 of the CARs. The Committee comprises associations and organisations, which have a vested interest in airspace construction and utilisation, and meets four times per year. The core function of the Committee is to—

- Discuss and debate proposals submitted to it; and
- Provide the Commissioner for Civil Aviation with guidelines and recommendations in respect of the designation of airspace and aerodromes, and any matter relating to current airspace structures and services associated therewith.

Civil Aviation Safety Committee (CASC)

The CASC is constituted in terms of regulation 3 of the Civil Aviation Safety Regulations, 1981. The CASC is widely known as the National Aviation Security Committee (“the NASC”). The CASC comprises of various stakeholders enumerated in the Civil Aviation Safety Regulations, 1981, as amended. This forum meets a minimum of four times per year to consult on issues provided for in the Civil Aviation Offences Act, 1972 (Act No. 10 of 1972), and advise the Minister accordingly.

NON-STATUTORY FORUMS

Industry Liaison Committee

This consultation forum comprises various associations and organisations representative of the civil aviation industry, and other civil aviation statutory bodies, and meets four times in a year. The primary purpose of this forum is to–

- Reflect on issues impacting on the development of the civil aviation industry;
- Identify the necessity for strategies and policies to foster industrial development, and resolve existing problems; and
- Share high-level information on developments in the industry.

Safety Forum

The Safety Forum is consultative, and is representative of the industry. The forum has four scheduled meetings in a year, where participants exchange information relating to aviation safety and make proposals with a view of improving aviation safety. The forum is mainly consultative.

Dangerous Goods Committee

The Dangerous Goods Committee comprises dangerous goods training organisations, associations and organisations representative of airlines, cargo handling agents, packaging organisations, postal services, and oil companies, South African Bureau of

Standards, and other parties who have a vested interest in dangerous goods. In a case where there is no association or an organisation representative of a sector, that sector shall appoint its representative. The Committee meets four times a year. The primary objective of the Committee is to–

- Advise the Commissioner for Civil Aviation on developments in the dangerous goods field;
- Discuss and comment on issues pertaining to the safe carriage of dangerous goods;
- Monitor and comment, to the Commissioner for Civil Aviation and concerned Sector Education and Training Authorities (SETA's), on training requirements, standards, and trainer qualifications; and
- Promote awareness amongst all role-players, including the general public, involved in the carriage of dangerous goods by air.

Meetings with other Statutory Civil Aviation Bodies

These meetings are attended by the executives of each participating statutory body, and are held between the CAA and one other statutory body at a time, as often as the involved parties agree. The purpose of these meetings is–

- Information sharing;
- Strategy alignment;
- Co-operation on issues of mutual interest;
- Elimination of duplication of efforts and unnecessary overlaps;
- Finding ways of effectively fulfilling responsibilities prescribed by stakeholders; and
- Enhancing working relations.

PERSONS TO CONDUCT CONSULTATIONS ON BEHALF OF THE CAA

Unless specified otherwise elsewhere, consultations will be led by an Executive Committee member accountable for the matter being consulted on or a person

delegated by him or her. The Executive Committee member accountable for the matter may request the assistance or participation of other personnel of the CAA.

CONFIDENTIALITY

Information, advice, opinions and recommendations obtained from consultation activities initiated by the CAA is available to the public, unless specifically designated as confidential.

When information is accepted as confidential, there is an obligation on all participants to keep the information in confidence.