COMMITTEE HOLDS PUBLIC HEARINGS ON THE CIVIL AVIATION BILL
PARTICIPATE IN PARLIAMENT » NEWS

The Civil Aviation Authority (CAA) of South Africa has pleaded with the Portfolio Committee on Transport to include a clause in the now tabled Civil Aviation Amendment Bill that would allow the Authority to penalise operators if they failed to pay regulatory fees within 21 days. The Bill should also allow the CAA to be a preferential creditor in situations where an operator had been liquidated or placed under business rescue.

The committee held public hearings on the Bill, which aims to regulate civil aviation safety, and provide for functioning and development of the industry. Oral submissions were made by the Airlines Association of Southern Africa (AASA), aviation economist Dr Joachim Vermooten and the CAA.

“There is nothing in law that forces operators to pay, once the 21 days had lapsed, or when an operator is liquidated. Should there be issues of non-payment, there should be some form of a penalty for those who fail to pay,” said CAA’s Senior Manager: Legal Affairs, Ms Babalwa Ndandani. She said the money operators collected did not belong to the airlines, but was a cap passengers pay and should therefore be transmitted to the CAA.

Dr Vermooten told the committee that the time taken to clear airline operating certificates has become a barrier to entry. “We need safety requirements, but aviation safety and security requirements should not result in effective barriers to entry. Everything should be transparent, so that what we do contributes to the growth of markets.”

He said the scenario of discretionary powers of the commissioner was not ideal, but that it is desirable to base regulations in objective standards. “An enabling regulatory regime is required instead of a restrictive regulatory regime.”

AASA Chief Executive Officer, Mr Chris Zweigenthal, said they supported the intentions of the Bill. He highlighted issues for the committee’s attention around the Aviation Safety Investigation Board, user fees, and aircraft accidents and investigations. “A best reporting structure to ensure independence would be to make the board a Chapter 9 institution, reporting directly to Parliament,” he said.

Members asked questions about issues impacting on aviation, including the sharing information, informing the committee, confidentiality of investigations, fee structure, and a funding model for CAA.

AASA’s Mr Burns said social media is compromising the confidentiality of information about accidents. “We exist in a society where time has become compressed and there is an expectation that officials will be prompt in delivering accurate information. Aviation authorities throughout the world are using social media, news wires and broadcasters.”

He said social media spoke to the issues of trust and how the authorities were able to influence the public narrative and gain the trust in the system. “Failure to issue information will lead people to go elsewhere. This is the premise we are coming from, but this poses challenges, with lot of authorities in the world having to grapple with communication,” he said. Mr Burns said lack of transparency in the industry may lead to pessimism and lack of trust.

Sibongile Maputi
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