**National Assembly**

**Question No: 1120**

**Mr R A Lees (DA) to ask the Minister of Transport:**

1. What are the details of exemptions granted by the SA Civil Aviation Authority (SACAA) to the SA Airways (SAA) in order to enable the SAA flights to and from Brussels to transport COVID-19 vaccines on or about 24 February 2021;
2. whether, given the exemptions for these flights granted by the SACAA, it is not a conflict of interest for the SACAA to investigate the Alpha Floor incident that occurred during the SAA flights to or from Brussels on or about 24 February 2021, as it may constitute SACAA investigating itself; if not, why not; if so, what are the relevant details of action taken or to be taken to ensure that the investigation of the SAA Alpha Floor incident is independently investigated and reported;

(3) what are the details of the person(s) and/or institution(s) that are investigating the SACAA aircraft that crashed near George in the Western Cape on 23 January 2020?

**REPLY**

South African Airways (SAA) wanted to conduct a flight and one of the regulatory provisions required to conduct this flight is the consideration to regain recency of the nominated pilots. Due to the fact that SAA’s Aviation Training Organization (ATO) has not been operational since 27 March 2020, the cessation of all SAA operations as of October 2020, and other factors the airline pilots needed to comply with the South African Civil Aviation Regulations (SACAR) in respect of training and recency before undertaking the planned flight.

SAA therefore applied for an exemption from the following provisions of the South African Civil Aviation Technical Standards as they relate to the crew training and recency:

* 1. SA CATs 121.03.2 2. (1)(a)(c) (d) and (g) - relating to approval of an external training facility.
  2. SA CATS 121.03.1 point 3 (5) (v) to (viii) & (7) (ii) (cc) & (dd) - relating to external

instructor qualification to conduct training for SAA pilots.

1.3 SA CATS 121.03.3 10.1- relating to pilots regaining recency.

1.4. SA CATS 121.03.3 3 This pertains to recurrent training:

The exemption was granted in respect of four pilots only.

In relation to the provisions of the exemptions: The SACAA is vested with the power to monitor and oversee safety and security in civil aviation. These powers are prescribed in legislation, being the Civil Aviation Act, 2009 (Act No. 13 of 2009). This Act gives powers to the Director of Civil Aviation to consider and, where good cause is shown and after being satisfied that the safety has been properly mitigated, grant an exemption to any person or body from compliance with the provisions of the regulations and associated technical standards.

(2) In terms of Section 37 of the Civil Aviation Act, the SACAA has a duty to investigate any occurrence, which does not fall under the definition of International Civil Aviation Organization (ICAO) Annex 13. This is an international standard practice by all National Aviation Regulators.

The primary distinction in this provision is that there was no damage to the aircraft, property nor injury to personnel.

The South African Civil Aviation Regulations (SACAR) state that:

***Functions of Civil Aviation Authority***

***73.*** *(1) The Civil Aviation Authority has the function of conducting the safety and security oversight of civil aviation in the Republic by—*

*(2) In addition to the functions referred to in subsection (1) the Civil Aviation Authority has the following functions:*

*(m) to investigate aircraft accidents and aircraft incidents that the Aviation Safety Investigation Board has determined not to investigate in terms of Chapter 4 and for purposes of regulatory compliance with this Act;*

A conflict of interest cannot be confirmed before the cause of the incident is determined. The SACAA investigation extends beyond the Alpha Floor incident and encompasses the lack of timely reporting of the incident to the SACAA as required by the Civil Aviation Regulations.

(3) The Minister of Transport appointed an independent investigating authority for the ZS-CAR accident. The Ethiopian Civil Aviation Accident Prevention and Investigation Bureau was duly appointed.