

Civil Aviation Legal Advisers' Forum (CALAF/3) – London, United Kingdom November 2024



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SA Civil Aviation Authority

Executive: Legal and Aviation Compliance



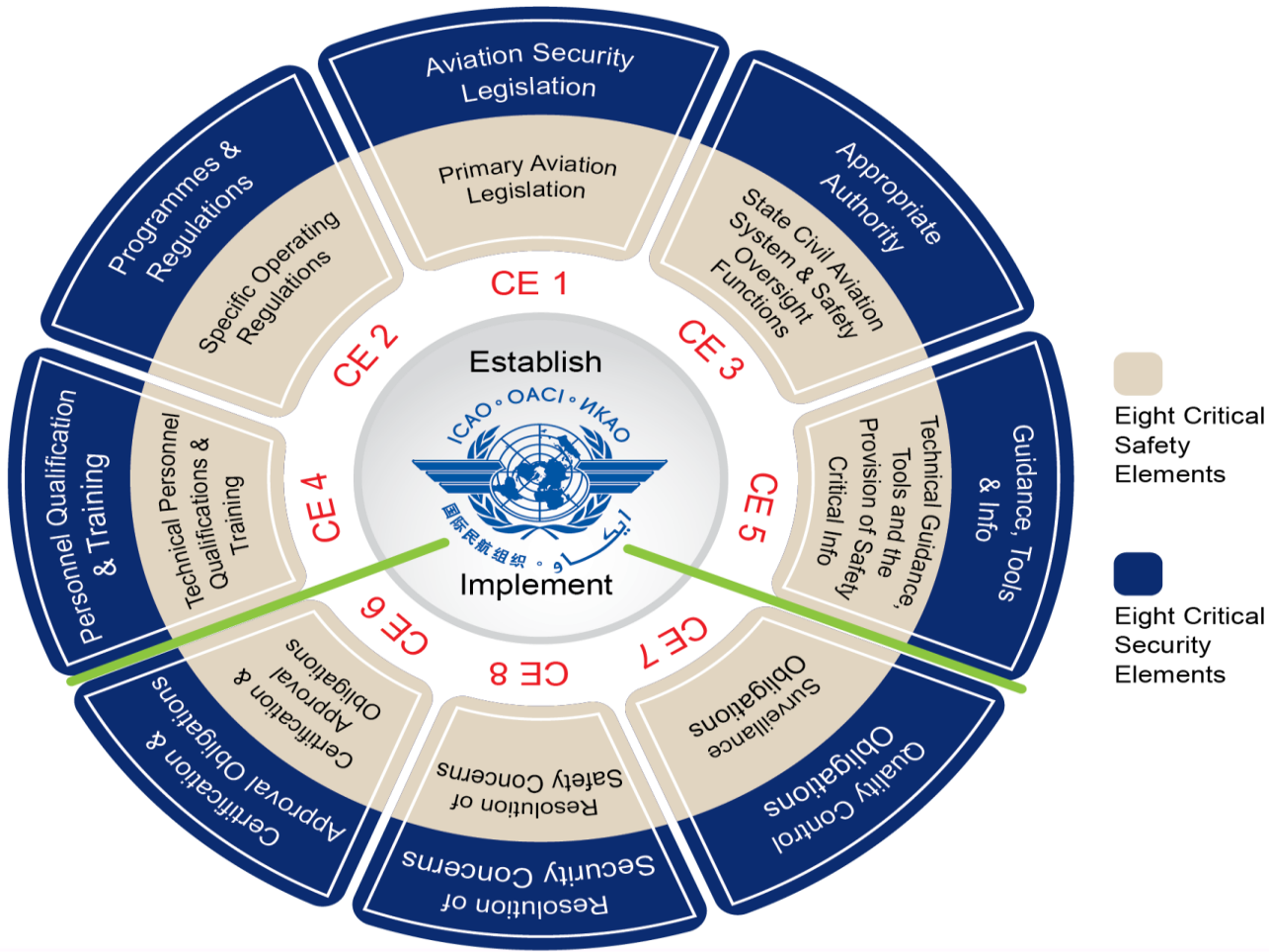
CONTINUOUS MONITORING OF COMPLIANCE WITH ICAO SARPS AND AUDITING OF CRITICAL ELEMENTS OF AVIATION SAFETY AND SECURITY

ICAO MEMBER STATES

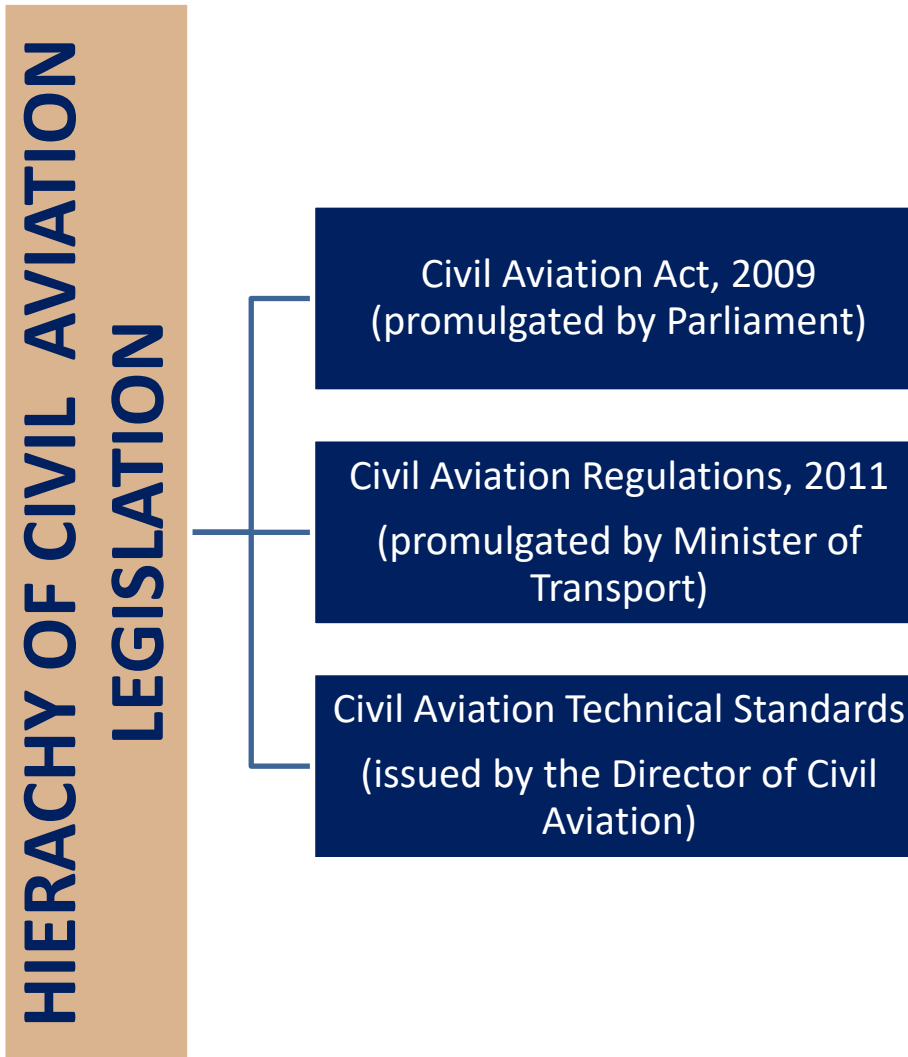
South Africa is an ICAO member State as it has signed the Chicago Convention.

As a signatory to the Convention, it is bound by ICAO Standards and Recommended Practices as applicable.

ICAO CRITICAL ELEMENTS



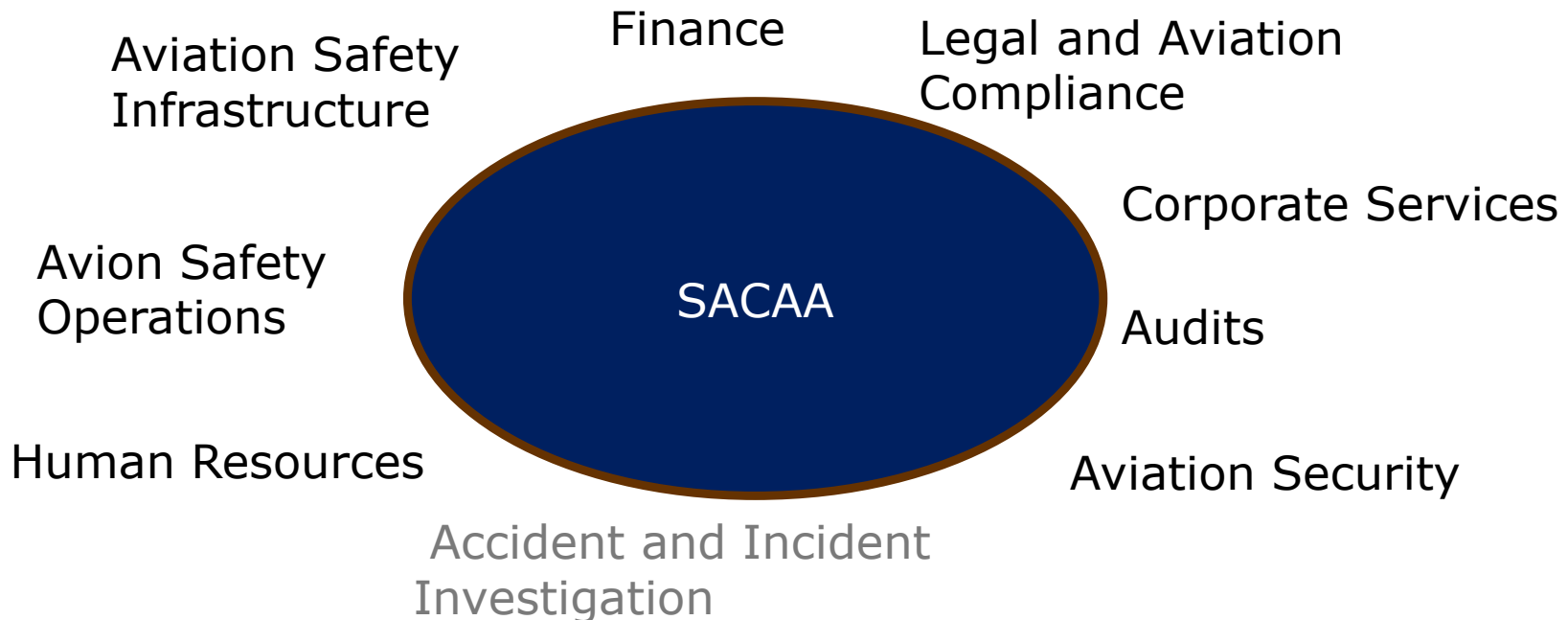
Legal Framework



SACAA Mandate and Divisions

The South African Civil Aviation Authority's (SACAA) mandate is to regulate civil aviation in South Africa, and to ensure civil aviation safety and security.

In order to execute its mandate SACAA has established the following divisions :



LEGAL AND AVIATION COMPLIANCE

Divisional Objective:

The Legal and Aviation Compliance Division (LAC) provides legal and technical support services to the Board, the Office of the Director of Civil Aviation, and various SACAA divisions.

The Division is led by an Executive, supported by a Senior Manager and five Managers, each responsible for different units/sections within the division.

Regulation Development:

This section assists in the development and monitoring of regulatory process and serves as the Civil Aviation Regulations Committee Secretariat. It is headed by a Manager, supported by three Legal Advisors and a Coordinator.

General Legal Advisory Services:

This section is responsible for drafting and vetting contracts and legal agreements, legal opinions, offer legal assurance in committees and meetings, facilitate and monitor litigation matters, and providing general legal advisory services. This section is lead by Manger and Legal Advisor.

LEGAL AND AVIATION COMPLIANCE

Enforcement:

The Enforcement section ensures adherence to South African Civil Aviation legislation and takes enforcement actions in accordance with the provisions of Part 185 of the Civil Aviation Regulations against those that are found to have contravened SACAA legislation. It also provides support to SACAA technical divisions on safety and security audits, as well as on the suspension and grounding of aircraft. Additionally, the section offers legal guidance on exemption applications. The unit is led by Manager assisted by four Enforcement Specialists.



LEGAL AND AVIATION COMPLIANCE

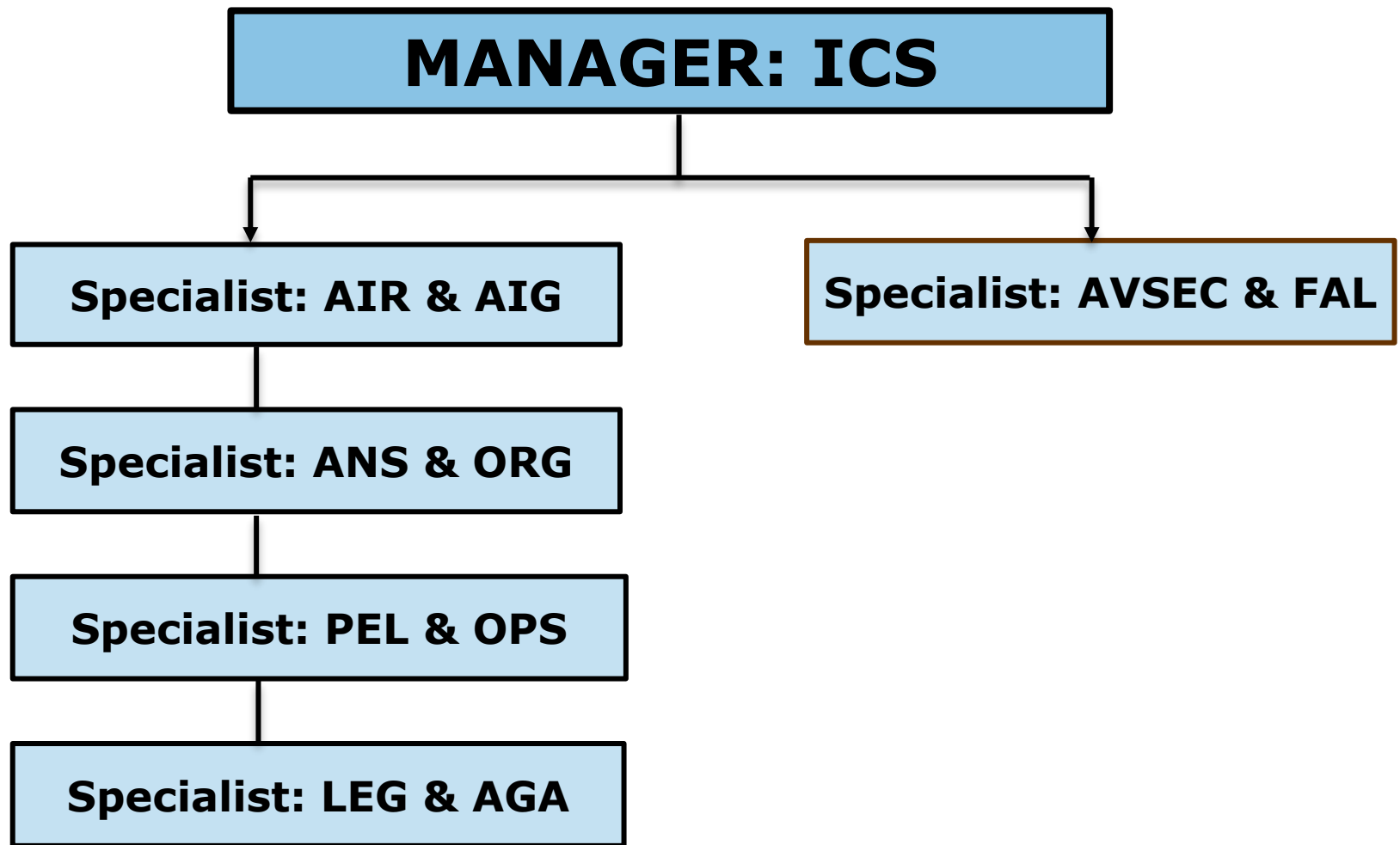
Technical Library:

The Technical Library is responsible for managing the collection of aviation-related information and documents. This includes acquiring, classifying, cataloguing (capturing), maintaining, and keeping up to date both electronic and printed materials that are required to support core business units in their operations. The library ensures access to these resources as needed (eg ICAO Annexes, approved operators manuals, legislation). The unit is led by Manager, assisted by two Librarians.

ICAO Compliance:

The unit monitors and reports on the State's compliance with ICAO safety and security requirements, including the 8 Critical Elements. It conducts self-assessment audits, tracks corrective actions, and uploads evidence and responses to ICAO's USOAP CMA via the ICAO Online Framework (OLF). The unit also oversees the ICAO Universal Security Audit Programme (USAP), with ICAO Compliance Specialist handling both the Safety and Security Audit Programmes. The section is led by a Manager, who is also the National Continuous Monitoring Coordinator (NCCM), supported by five ICAO Specialists.

ICAO COMPLIANCE SECTION (ICS)



ICS MANDATE

The mandate of this unit, derived from the USOAP/USAP MOUs signed by South Africa and ICAO, as well as ICAO Docs 9735 and 9734 Part C and it consistently provides assurance that South Africa's Civil Aviation Safety, Security, and Environmental oversight capability is continuously monitored using the ICAO Universal Safety Oversight Auditing Programme (USOAP) / Universal Security Auditing Programme (USAP) Continuous Monitoring Approach (CMA) methodology.

USAP CMA monitoring functions have recently been added to this team.

The Manager and his team, in consultation with all audit areas, develop the USOAP/USAP CMA annual programme, based on the State's aspirations related to both CMA programmes as outlined in the Annual Performance Plan (APP), which is approved by the Ministry of Transport.

The ICAO Compliance Section is responsible for coordinating both the USOAP and USAP CMA missions. Additionally, the team coordinates external audits by other regulatory bodies, such as the FAA. Like many other countries, South Africa has bilateral agreements with other countries, including the USA. These agreements results in external audits such as IASA (safety) audits by the FAA and security audits by the TSA being conducted against South Africa.

ICS MANDATE

On an annual basis, the team ensures that technical divisions conduct self-assessments. They also audit all supporting evidence to confirm that the protocol questions are fully addressed before the information is uploaded to the OLF.

Any identified gaps must be closed by the technical divisions within agreed-upon timelines. This process helps to refresh the evidence in the OLF and technical Divisions have to address any outstanding findings.

We have learned that having dedicated personnel enables the organisation to conduct continuous monitoring and in so doing the country has significantly improved its level of effective implementation.

The coordinated and focused efforts of conducting continuous monitoring have assisted South Africa in performing well even during IASA (safety) audits conducted by the FAA and security audits by the TSA.

ICS MANDATE

The ICS team also conduct an annual gap analysis to assess the number of Standards and Recommended Practices (SARPs) that have not yet been transposed into Civil Aviation regulations and technical standards.

Once the gaps are identified and responsible technical area have been identified, the respective teams are required to commit to a timeline for developing the necessary regulation or technical standard, considering the following:

- ICAO implementation date
- SACAA regulation development process
- Approval process (regulations by the Minister and technical standards by the Director)

This process helps SACAA to consistently monitor and measure progress in transposing SARPs into its domestic legislative framework.



THANK YOU

