



PRESS STATEMENT BY CEMAIR

Johannesburg, 19 December 2018, 13h00

On 13 December 2018 the Civil Aviation Authority suspended our Air Operation Certificate "AOC" (FO13025; FO13026) resulting in our Airline being grounded. The primary basis upon which the suspension was issued was an alleged safety compromise of our airline. The other reason was that the CAA alleged that CemAir did not have a Responsible Person Flight Operations ("RPFO"). The CAA stated that it was a level 1 finding which it described as a "severe non-conformance that poses a very serious safety risk to the public and necessitates immediate enforcement action by the SA CAA and its authorized officers". They said that our airline poses a "serious and immediate threat to safety".

Despite having requested the details of our alleged safety contraventions, we were given none. As such we resolved to approach a High Court for and interdict to lift the suspension on an urgent basis. After we filed our court papers, we received an Answering Affidavit, which is a matter of public record.

In that affidavit, the RPFO complaint dissipated, evidently because the CAA realized that Captain Johann Venter was appointed with effect from 7 November 2018. His curriculum Vitae post 46 years of experience, an accolade that surpasses most if not all present CAA officials. In fact in the founding papers CemAir stated *"it is with respect without any doubt that Venter with over 46 years of experience, is not only a fit and proper person to hold the position of RPFO but one of the most highly qualified for the post in South Africa. He is certainly suitably qualified for the position. I challenge the Respondent to dispute Venters suitability or qualification."* Not surprisingly the CAA did not accept the challenge. Instead they have approved Venters appointment. As to why the CAA went on a media and publicity rampage to allege, falsely, that there was no RPFO from 7 November 2018 and that the post remained vacant is a mystery which has yet to be explained by Mr Simon Segwabe, Executive Aviation Safety Operations at the CAA. This false and defamatory publication designed to unjustifiably attack CemAir's pristine safety record is regrettable. There is a strong perception amongst the employees of CemAir that the company is being targeted by the CAA. The senior management certainly hope that this is not true, but only time will tell once the true basis for the CAA's actions are unraveled.

In the court papers CemAir stated that it adopts a far more conservative approach to safety than the standard set by the CAA and went on to explain *"whilst it is not compulsory, in 2015 I caused the Applicant to register and implement a program of enhanced safety called IOSA (IATA Operating Safety Audit) which is not a requirement of the Respondent. This enhanced safety program was*



overseen by IATA (International Air Transport Association. The program involved rewriting the Applicants operations and safety manuals which include 900 operational standards, which in certain instances are more stringent than the Respondent's rules. It is the benchmark for global safety management in airlines and recognized internationally. All IATA members are registered and must remain registered in order to maintain IATA membership. This voluntary exercise cost the Applicant an initial amount of R 2,5 million and carries annual fees of approximately R1 million per annum. Regular recertification audits are conducted. The last audit was conducted in September 2017.

As far as the weight safety issue is concerned, the CAA stated that CemAir had manipulated passenger weight in order to disguise its alleged overloading. We then filed a Replying Affidavit to answer that allegation. During argument it emerged that the CAA officials had overlooked regulation CATS91.07.11, paragraph 5(b) which provides that an airline may deduct 6 kg from the standard passenger mass where there is no hand luggage or where it is accounted for separately. Of the 20,000 flights which CemAir conducts annually the CAA cited 2 examples in its court papers in which CemAir had allegedly used a standard average mass of 86 kg per male passenger instead of the regulated standard 92kg with a similar deduction for female passengers. The Aircraft in question upon which the CAA relied for its overweight allegation is a Beechcraft 1900D ("1900D"). It became clear to CemAir that the officials who conducted the audit and who made the finding of overloading as well as the officials who issued the notice suspending our license may not have appreciated the design of the 1900D. In order to assist them CemAir took a photograph of the internal cabin of the 1900D and attached it to its court papers. The photograph showed that the 1900D does not have an overhead stowage compartment. In fact anybody who knows the 1900D which carries only 19 passengers will know that there is no space for any cabin luggage. The Judge asked CAA's Senior Counsel about regulation CATS91.07.11, paragraph 5(b), because this demonstrated decisively that the flights in question were underweight rather than overweight and that the CAA was wrong in its judgement in finding that CemAir was overweight. At this point the CAA's Senior Counsel immediately stopped the argument and asked the court to adjourn the matter for a short while so as to allow him to take instructions from the relevant senior CAA officials including Mr Simon Segwabe who at all times sat in court. After this adjournment, the opposition to CemAir's interdictory relief did not resume. Instead, the CAA approached CemAir to try and resolve the matter without further litigation.

It must be emphasized that the Judge, during argument repeatedly stated that should aviation safety be in question at any level, the court would be unable to assist CemAir by interfering in the CAA's decision to suspend the airline, unless the clearest of proof was presented to demonstrate that the



CAA's approach was clearly wrong or that it had misdirected itself. The fact that CemAir obtained the order, under such rigorous scrutiny from the Judge, on its own, speaks for itself and is a vindication of CemAir's safety credentials.

We were very pleased with this outcome which has vindicated our airline as we have always held the safety of our passengers and crew above all else. As a guarantee to our loyal client base we offered the court to add some conditions that will eliminate any doubt as to our safety standards.

We are thankful to our loyal customers and staff for the patience and confidence which they have shown during these trying times.

CEO

Miles van der Molen