

NOTICE 724 OF 2000

CORRECTION NOTICE

Pages 3 to 8 of Notice 676 of 2000 published in *Government Gazette* No. 20917 of 22 February 2000 is hereby substituted with the following pages:

DEPARTMENT OF TRANSPORT

NATIONAL MARITIME, AERONAUTICAL SEARCH AND RESCUE BILL
2000

1. Comments must please be submitted in writing to-

The Director-General
Department of Transport
Private Bag X193
PRETORIA
0001

Attention: Mr E P Modiba

2. Comments may also be faxed to facsimile number (012) 309-3101 at the above address.
3. Comments must be received by not later than 22 March 2000.

BILL, 2000

To provide for the establishment of a national maritime, aeronautical search and rescue organisation in accordance with certain international aviation and maritime conventions; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:

Definitions**1. In this Act, unless the context otherwise indicates -**

- “aircraft”** means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;
- “air traffic service”** a generic term meaning variously, flight information service, alerting service, air traffic advisory service, air traffic control service (area control service, approach control service or aerodrome control service);
- “alerting service”** means a service provided to notify appropriate institutions regarding aircraft and vessels in need of search and rescue aid and, where possible, to assist such institutions as required;
- “area of responsibility”** means an area of defined dimensions within which search and rescue services are provided;
- “Conventions”** means the Convention on International Civil Aviation, 1944 (Chicago Convention) and any relevant Annexes thereto, the Convention on the High Seas, 1958, the International Convention for the Safety of Life at Sea (SOLAS Convention), 1974, and the International Convention on Maritime Search and Rescue, 1979;
- “department”** means the National Department of Transport;
- “Director-General”** means the Director-General: Transport;
- “Flight Information Region”** an airspace of defined dimensions within which flight information service and alerting services are provided;

“Head of SASAR”	means an official appointed as such by the Director-General and who is responsible for the overall co-ordination of search and rescue services in South Africa’s search and rescue regions;
“International Civil Aviation Organisation”	means a specialised agency of the United Nations responsible for formulating standards and recommended practices for the purposes of civilian international air transport;
“International Maritime Organisation”	means a specialised agency of the United Nations responsible for formulating standards for civilian maritime transport and for the safety of life at sea;
“mission control centre”	means a part of the satellite based system that accepts sled messages from the Local User Terminal(s) and other mission control centres to distribute to the appropriate Rescue Coordination Centres or other search and rescue points of contact;
“Minister”	means the Minister of Transport;
“National Sea Rescue Institute”	means a voluntary South African sea rescue organisation equipped to undertake sea rescue operations;
“person”	includes all institutions or organisations equipped to assist in a search and rescue operation, a government department , a government or an agency of the government of a foreign country;
“pilot-in-command”	means the pilot responsible for the operation and safety of an aircraft during flight time;
“prescribed”	means prescribed by regulation;
“rescue coordination centre ”	means a unit responsible for promoting the efficient organisation of search and rescue services and for co-ordinating the conduct of search and rescue operations within a search and rescue region;

- “rescue subcentre ”** means a suitable, appointed unit tasked to carry out duties of a rescue coordination centre, in instances where the rescue coordination centre cannot exercise direct and effective control over search and rescue facilities in certain parts of a search and rescue region, such as
- (i) where the communication facilities in a part of a search and rescue region are not adequate for direct and close coordination between the rescue coordination centre and the rescue units in that sector; and
 - (ii) where the search and rescue region includes a number of states or territorial divisions of a state in which, for political, administrative or other reasons, local facilities can only be directed and controlled through designated local authorities;
- “SA-CATS-ATS”** means a document on the South African Civil Aviation Standards relating to Air Traffic Services which is published by the Commissioner for Civil Aviation in terms of the Aviation Act, 1962(Act No74 of 1962);
- “SASAR”** means the South African Search and Rescue Organisation established in terms of section 2;
- “SASAR Manual”** a SASAR policy document
- “search and rescue facilities”** means the human resources and equipment suitable for search and rescue operations drawn or developed from several sources;
- “Search and Rescue Region”** an area in which the coordination of search is effected by a single Rescue Coordination Centre;
- “Search and Rescue Unit”** Any unit assigned by the search mission controller to perform search, rescue or similar operations during a search and rescue mission;
- “this Act”** includes the regulations; and
- “vessel”** means any kind of ship used in navigation by water, however propelled or moved, and includes-

- (a) a structure that is able to float or be floated and is able to move or be moved as an entity from one place to another; and
- (b) a dynamically supported craft

Establishment and objective of SASAR

- 2 (1) There is hereby established an organisation to be known as the South African **Search** and Rescue Organisation.
- (2) The objective of **SASAR** is to ensure a **co-ordinated** and effective maritime and aeronautical search and rescue **service** within the South African search and rescue regions.

Composition of SASAR

- 3 (1) **SASAR** is made up of representatives of those government **departments** and certain commercial and **voluntary** organisations that are signatories to the **SASAR** Manual and are able to contribute services and/or facilities for use by **SASAR**.
- (2) **SASAR** cannot sue or be sued in its own name.
- (3) **SASAR** consists of the following Committees and Subcommittees and a permanent Secretariat-
 - (a) Executive Committee;
 - (b) Aeronautical Subcommittee; and
 - (c) Maritime Subcommittee.
- (4) The Executive Committee **consists of** representatives of those government departments and non-governmental organisations that are signatories to the **SASAR** Manual and are considered to be major role players in terms of the resources they make available to **SASAR**, the size and constitution of which will be determined from time to time by the Executive Committee itself,
- (5) The members of the Subcommittees will be representatives of Government **departments**, voluntary organisations and certain non-governmental undertakings participating in **SASAR** and their areas of

speciality will determine on which Subcommittee they are to be represented.

- (6) The Secretariat consists of officials on the permanent staff establishment of the department who are responsible *inter alia* for secretarial duties for **SASAR**.
- (7) The Executive Committee is chaired by an official of the **department** who is designated as Head of **SASAR** by the Director-General.
- (8) The Chairpersons of the Subcommittees are known as the Head of Aeronautical Search and Rescue Operations and the Head of Maritime Search and Rescue Operations respectively, and must be appointed by the Director-General or a person appropriately authorised by him/her.
- (9) The Executive Committee heads **SASAR** and determines and puts into effect the policy of **SASAR**.
- (10) The Subcommittees assess policy and make recommendations to the Executive Committee concerning policy changes.
- (11) The Maritime Subcommittee must deal with maritime search and rescue matters and the Aeronautical Subcommittee must deal with aeronautical search and rescue matters.

Meetings

- 4 (1) The Executive Committee must meet at least twice a year or whenever considered necessary by the Chairperson of the Executive Committee,
- (2) A Subcommittee must meet at least twice a year or whenever considered necessary by the Chairperson of the Subcommittee

Functions and powers of **SASAR**

- 5 (1) **SASAR** must **perform** its functions in a manner consistent with the obligations of South Africa under any agreement concluded between South Africa and another country and in terms of the Conventions.

- (2) **SASAR** must within its means and capabilities coordinate available resources to -
- (a) search for, assist and where appropriate effect a rescue operation for -
 - (i) survivors of civil aircraft accidents or forced landings;
 - (ii) the crew and passengers of civil vessels in distress;
 - (iii) survivors of maritime accidents or incidents; and
 - (iv) survivors of accidents or incidents involving **military aircraft** or vessels provided that they are not engaged in acts of war;
 - (b) evacuate a seriously injured or ill person from a vessel at sea where the person's condition is such that he or she requires medical treatment sooner than the **vessel** concerned would be able to get him or her to a suitable medical facility, provided that the costs **pertaining** to such evacuation may be recovered.
- (3) The functions set out in subsection (2)(a) exclude salvage operations.
- (4) **SASAR** may provide its **services** both within and outside South Africa.
- (5) **SASAR** may, in consultation with the Minister or his or her authorised officials, requisition any civil or military **aircraft** or vessel and call out any holder of a South African flight or vessel crew **licence**, for aeronautical or maritime search and rescue operations, subject to compensation at such rate as maybe prescribed.
- (6) If any aeronautical or maritime search and rescue operations are undertaken by **SASAR** in connection with any occurrence caused by the negligent or other unlawful act or omission of any person, the Minister or a person authorised by him or her may recover from the person who **performed** the actor omission the whole or any portion of the expenses incurred by **SASAR** in connection with such operations.
- (7) Any person who without lawful reason refuses or fails to comply with any order or instruction made or given in terms of the provisions of subsection (1) is **guilty** of an **offence**.
- (8) **SASAR**, in consultation with the Minister or a person authorised by him or her is responsible for **carrying** out the provisions of this Act and the Conventions.