

The Curious Case of CC and the CAA

The ongoing low intensity conflict between CC 'Captain Chaos' Pocock and the CAA has escalated into a 'take no prisoners' war. Chris Martinus explains the saga.

THE SCENE

Only the twittering of the birds and the faint hum of insects can be heard in the peaceful Barberton Valley around Barberton Airport. It is midsummer in early January, and the heat shimmers over the bush and surrounding hills.

This is the home of Bush Air, where pilots come to learn to fly their aircraft more safely – to deal with the more challenging environments of flying in the bush, the mountains and at the limits of their aircraft's capabilities. Hundreds of pilots have come here to acquire the knowledge and skills of carefully exploring the hitherto unknown world below the white arc on their airspeed indicators.

Every now and then an aircraft does a touch and go, and the peaceful hum of the bees collecting their stores for the still-distant winter is briefly disturbed by the clatter of a light aircraft engine.

THE CHARACTERS

CC Pocock

Bush Air is operated by CC Pocock, a pilot and aviation personality who needs little introduction. Loved by many, reviled by some, CC is one of those characters nobody seems to feel indifferent about.

A qualified pyrotechnician and air show pilot, CC thrills the crowds at air shows, when he is allowed to join the programme, with his massive explosions and thrilling antics while flying a lowly Cessna 172. The things he can make the Cessna do have spectators and pilots alike gasping in awe, probably much to the chagrin of air show pilots flying much more impressive and powerful machines. Yet the little Cessna seems to capture the imagination of all who stare saucer-eyed as it knife-edges impossibly low past walls of fire.

Some pilots shake their heads in disdain and have been predicting his imminent fiery death for years, but the slightly-built CC with his trademark tousled, long blonde hair is reaching late middle age and seems to be staying well ahead of the grim reaper.

His courses on surviving the situations that kill so many pilots every year are widely acclaimed by all those who have taken the



Guy Leitch

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time and effort to hone their knowledge and skills. CC teaches his courses all over the world and is appreciated in many countries by many regulators, including by the mighty FAA in the United States, who have accredited his courses in their country.

In addition to his South African pilot licence, he holds a US commercial pilot certificate and instructor rating.

Hannelie Oosthuizen

Ms Oosthuizen is an Enforcement Specialist in the legal division of the South African Civil Aviation Authority (SACAA). She is the nemesis of many a pilot or aircraft owner who may have deigned to break the myriad laws and regulations that control aviation. Enforcement notices from Oosthuizen have caused numerous pilots to quake with fear of dire retribution by the authorities.

'Just Culture', the more benign approach to safety problem reporting espoused by airline pilots all over the world, is not a term in Oosthuizen's lexicon. Aviating miscreants must pay for their mistakes and transgressions, and pay heavily. The lady is merciless; the penalties severe.

CC crossed Oosthuizen's radar well over a year ago, and this was one victim she was not going to allow to get away. She decided that CC Pocock was conducting training for remuneration and reportedly without the necessary licences and certificates. And not only that, but it had also been reported that CC had landed on a closed runway.

A penalty notice was carefully compiled, detailing the many dreadful crimes that he had allegedly committed in the peaceful environs of Barberton Airport. It was noted that Bush Air offers Bush and Mountain Flying Courses, but is not an aviation training organisation (ATO); that CC holds only a private pilot licence and has sat in the right-hand seat of an aircraft during training; and that the aircraft used were not registered to an ATO and did not have Part 91 approvals.

The list of claimed infractions goes on for pages, cataloguing that CC has logged 1006.5 hours of instruction, has issued and signed certificates for foreign students as well as locals, and has the blatant temerity to even advertise these courses and list hundreds of testimonials from past students on Bush Air's website.

Oosthuizen concluded that CC quite obviously has a total disregard for the Civil Aviation Regulations and therefore poses an imminent aviation safety risk to students, the general public and property on the ground.

In a matter so dire, Oosthuizen wrote



A qualified pyrotechnician and air show pilot, CC thrills the crowds at air shows in his C172.

Bush Air

that CAA intended to cancel his private pilot licence permanently.

Ngaka 'Joe' Makua

Ngaka 'Joe' Makua is a lieutenant colonel with the South African Police Service Directorate for Priority Crime Investigation, more commonly known as the Hawks, at the Priority Crime Management Centre in Pretoria.

Joe Makua is a big and imposing guy. With shaven head and facial scars, he is reminiscent of the Pulp Fiction villain, Marsellus Wallace – the blue uniform and gun on his hip makes his already daunting appearance quite scary indeed.

Armed with Oosthuizen's list of heinous crimes for CC, worthy of the investigative skills, qualifications and experience of a very senior member of the elite Hawks police unit, Makua slapped the siren on his roof and sped to the scene of these appalling crimes and this imminent danger to humanity. On that fine summer's day, he drives to Barberton Airport, the lair of the wild-eyed CC Pocock, the threatening man with his camouflaged aeroplanes, kegs of gunpowder and a defiant attitude that claims he has committed no crimes at all.

Johan Armstrong

Johan Armstrong is an inspector with the Civil Aviation Authority. Also a big guy with an imposing demeanour. He has also struck fear into the hearts of many a pilot and aircraft owner. Indeed, he was also the subject of disciplinary procedures in

respect of the assault of an aircraft owner at a flying school in Brakpan some years ago. It is a matter of public record in the SA Law Reports that he applied to the Labour Court to block the proceedings, but this failed. He then appealed the decision of the Labour Court; this too failed. However, his contention at the disciplinary hearing that the aircraft owner spat in his face and that this was justification for the assault was accepted, despite witnesses having claimed that the spitting incident never happened.

Armstrong is well-known among Sling aircraft owners as the guy who effectively grounded almost all Slings (a non-type certified kit aircraft) for not having complied with maintenance procedures that are only applicable to type certified aircraft. He is well-respected among his inspector colleagues as being very good at law, in that he can interpret almost any regulation to mean anything he wants it to mean.

Also more than a year ago, a CAA ramp inspection of the Bush Air aircraft was done and a list of fairly minor snags was issued, which were thereafter duly corrected. This same aircraft, the characteristic camo green Cessna 172, was subsequently registered to a US owner with the FAA, but continues to be used by Bush Air in its various activities.

THE PLOT UNFOLDS

Makua arrives at Barberton airport and strides into the building. CC is understandably shaken that he has attracted the scrutiny of such a high-

ranking police officer from an elite unit such as the Hawks, who is menacingly accusing him of running an aviation training business without a licence. Clearly, the government considers this to be a much more serious issue than investigating people who have been charged with hundreds of counts of fraud and corruption.

CC assures the policeman that his courses do not require an ATO certificate, but Makua hears nothing of it. He threatens CC with prosecution and dire penalties. He later softens a bit and suggests that paying a R10,000 fine and “having a meeting” with the CAA could make all these “charges” go away.

Makua leaves in a swirl of dust, leaving a thoroughly outraged and intimidated CC Pocock standing there, wondering what to do next.

This would be a good time to get the assistance of AOPA-South Africa’s Pilot Protection Plan, he reckons. CC calls them up, tells his whole amazing story and emails all the documents and letters to AOPA, where these issues are duly researched and considered.

AOPA sends Makua a polite letter recording all these events and communications and points out that an ATO certificate is very specifically not required by organisations where “training and instruction is conducted in the interests of aviation safety: provided that such training or instruction is not conducted for the issuing, renewal, reissuing, validation or revalidation of any licence, certificate or rating in terms of the Regulations,” as per Part 141.

The Civil Aviation Regulations (CARs) define ‘training’ as tests or the verifications of skill or proficiency, specified in the Regulations.

Clearly Bush Air’s courses fit well within the exclusion of Part 141 and do not even fall within the definition of training, since the courses are not even remotely specified in the Regulations.

Was the letter even read, let alone comprehended?

THE CAVALRY ARRIVES

Two days later Armstrong, Oosthuizen, Makua and a couple of ordinary cops from the local police station descend upon Bush Air like an FBI anti-terrorist SWAT team. They storm into his home and workshop, stating that they wish to search the premises on the grounds of “monitoring compliance”.

CC is on the phone to AOPA, who advises him to remain calm, not be confrontational, but simply to inform them that he does not consent to having his property searched. “But you invited us in,” Makua lies.

Despite inspecting everything on CC’s aircraft and searching his home while Oosthuizen takes photographs, they find nothing. No charges are pressed, no prosecutions instituted. Only a blank data plate required by the FAA is seized off CC’s workbench.

Perhaps they had finally read the letter.

CAA GOES BANANAS

The South African Civil Aviation authority is not well-known for admitting its mistakes or making apologies. The tactic of choice is to blunder ever deeper into the hole.

Armstrong, referring back to the minor snag list from the ramp inspection of more than a year ago, writes and insists that Bush Air’s Cessna is not airworthy.

This notwithstanding that the aircraft is now registered with the FAA and that an FAA Designated Airworthiness Representative had flown to South Africa for the specific purpose of inspecting

the aircraft and issuing an FAA Certificate of Airworthiness many months earlier. Also notwithstanding that Armstrong had sent the said snag list to the FAA prior to the FAA inspection and after all the snags had been attended to. Was this just vindictive, since he had even inspected the aircraft thoroughly himself during the infamous Storming of Barberton a few weeks earlier?

In the interim, all hell breaks loose, since AOPA has now notified the FAA, the US Ambassador, ICAO, the Director of CAA and the Minister of Transport, and asked for some kind of sensible explanation for what was becoming a serious violation of the Convention on International Civil Aviation.

The aircraft was by then already falling due for its second FAA-mandated annual inspection, so it was decided that CAA be invited to inspect the aircraft after signing off by an FAA-appointed technician, who would also be present to assist. The CAA accepted the invitation and the dates were set. CAA’s Blake Vorster assured AOPA that a “team” would be sent down to inspect.

They never pitched up.

CONCLUSION

AOPA, also representing the US owner of the aircraft, therefore notified CAA that it considered the matter finally closed.

But one wonders what crazy antics CAA will think up next in what appears to have been simply an abuse of authority based on some bizarre personal vendetta. ✈️



CESSNA T210H FOR SALE

Aircraft Make and Type: Cessna T210H

Year Model: 1968

Airframe Hours: 6020

Engine Type and Hours: Continental TS10-520C, 610 since overhaul

Prop type and Hours: Hartzell Hc-J3YF-1RF 420 since new

Avionics and other equipment: Garmin 530; King nav/com; Bandix ADF; 2 X VOR/ILS; Stormscope

Can be viewed at: George but can be flown to CT or PE

Price: R 950 000 excl VAT

Contact details of owner: Andrew McFarlane

0721499303 or email flymacaviation@gmail.com

