



Fit and Proper Person Test

Part 1 Instructions to Assessors

1.1 Introduction

The Director of Civil Aviation, in the exercise of his or her responsibilities under the Act and Regulations, is required, when considering an application for an Air Operator's Certificate, to make an assessment of the applicant organisation including its proposed means of compliance with key personnel requirements pertaining to that organisation. Those requirements include the adequacy of relevant qualifications and personal qualities. In considering the application the Director is empowered to conduct such investigation as he or she deems necessary.

The Director has determined to include as part of the investigation process a standard basic assessment of the suitability of each applicant for any key position within the applicant organisation. This process will offer a consistent and transparent basis for establishing the qualifications and experience of the applicant and his or her knowledge of the regulatory requirements relevant to the discharge of the duties under the proposed position. It will include standard declarations regarding past activities or conditions that may be relevant such as serious health problems or convictions for transportation offences and other matters which might, in the Director's opinion, have an impact on an assessment of suitability. It must be understood that the disclosure of any adverse event or condition will only be a matter to be taken into consideration by the Director and will not of itself be determinative of the outcome of the test.

The process described above is entitled a Fit and Proper Person test. The test shall be processed by the assessor, who shall be the principal NCAA inspector for the respective organisation, his or her nominated deputy or, in case of assessment of a sole individual (e.g. a licence holder not attached to an organisation), by a suitably qualified NCAA inspector assigned by the Director.

1.2 Elements of Test

The Fit and Proper Person test includes, as a minimum, the following elements:

- a) A review of the applicant's related experience within the transport industry
- b) An assessment of the applicant's knowledge of the applicable civil aviation system regulatory requirements
- c) A declaration by the applicant of his/her compliance history with transport safety regulatory requirements
- d) A declaration by the applicant regarding his/her history of any physical or mental health problem, disability or incapacity or of any serious behavioural problem
- e) A declaration by the applicant regarding any transport safety offence
- f) Assessment of any other factors which the Director deems necessary to consider

1.3 Preparation

The assessor shall contact the applicant and arrange a mutually convenient date to conduct the test. The assessor shall advise the applicant of the purpose and structure of the test, explain the declarations which the applicant is required to sign, and give guidance regarding the general areas of regulatory knowledge which will be assessed. This enables the applicant to be mentally prepared and facilitates an accurate test of fitness. The assessor shall also request that the applicant submits a copy of his/her CV and, where applicable his/her terms of reference prior to the test date.

The assessor shall additionally develop a set of suitable questions to determine that the applicant has an adequate knowledge and understanding of the **applicable** civil aviation regulatory requirements. The questions shall be inserted in Part 3 of this form. A set of example questions are provided for reference in the General Inspectors Handbook; this list is not exhaustive and assessors are at liberty to use additional and/or alternative questions. Assessors should note that they are not preparing an examination, nor should they expect applicants to memorise regulatory details; the objective is to assess whether the applicant has a working knowledge of regulations which enables him or her to meet in practice the compliance requirements of their post.

The assessor shall arrange a suitable venue and co-opt the support of at least one Legal Officer and one additional NCAA staff member. The size and composition of the assessing panel may vary according to the nature of the applicant, the post and the assessor's own expertise. It should be noted that assessment of significant positions (e.g. Accountable Managers, senior positions in large or complex organisations, applicants with past compliance irregularities etc.) must be conducted by a panel which includes one senior manager.

On completion of the question set the assessor shall circulate a copy of this form together with the applicants CV and where applicable the terms of reference to all members of the panel.

1.4 Conduct of test

The assessor shall complete the administrative details in Part 2 of this form, present the applicant with Part 4 of the form and ask him or her to read it and sign the declarations. The assessor shall explain that by disclosing convictions or regulatory infringements the applicant will not necessarily fail the test. Such disclosure will be considered by the assessor who will decide whether it is relevant to the applicant's safe participation in the civil aviation system.

The assessor and panel shall ask a range of questions to clarify their understanding of the applicant's experience, using the CV for reference. Additionally they shall ask questions from the prepared list to explore the applicant's regulatory knowledge. The emphasis shall be on the specific post applied for and the assessors should link their questions to the terms of reference; this facilitates the applicant in his/her explanation of **how** he/she will fulfil the regulatory requirements in practice.

On completion of the test the assessor shall thank the applicant for his participation and advise him/her that the acceptance decision will normally be made and notified to the applicant in writing within 2 working days.

The assessor shall confer with the panel (where applicable) to make a recommendation regarding the acceptability of the applicant. Should doubts arise, the assessor should consult with the Director. The recommendation shall be recorded in Part 5 and the whole of this form should be forwarded to the Director for his/her final decision.

The Director shall review the form and recommendation and record his/her decision regarding the acceptability of the applicant in Part 6 of this form. The assessor shall inform the applicant of the Director's decision in writing making use of a suitable template letter.

Part 2 Administrative details

Name of Organisation *			
Certificate / Licence / Approval Number *		Date(s) of assessment	
Title of applicant			
Civil Aviation Regulation(s) under which application is made			
Name of applicant			
Name of Lead Assessor			
Names of additional assessors *			

* *Where applicable*

Part 4 Declarations

4.1 Applicant

Mark with X your answer to the questions below. If you answer YES to a question, provide details in the remarks field below.

Do you have any history of non-compliance with any transport safety regulatory requirement?		YES		NO	
Remarks					
Have you been convicted of any transport safety offence?		YES		NO	
Remarks					
Do you have any history of physical or mental health problem, disability or incapacity or any serious behavioural problem?		YES		NO	
Remarks					
Name of Applicant		Signature		Date	

4.2 Assessor

I declare that the fit and proper person test was conducted in accordance with Namibian NCAA procedures.					
Name of Assessor		Signature		Date	

Part 5 Recommendation

The assessor shall complete sections 5.1 or 5.2

5.1

I recommend that the applicant should be accepted for the post applied for.					
Name of Assessor		Signature		Date	
Remarks					

5.2

I recommend that the applicant should not be accepted for the post applied for, for the following reason(s):					
N/A					
Name of Assessor		Signature		Date	

Part 6 Decision

To be completed by the Executive Director of Civil Aviation or nominated deputy

The applicant is accepted for the post applied for.				YES		NO	
Name		Signature		Date			
Summary of reasons for the decision made above:							