



# North East Victorian Hang Gliding Club Inc.

## THE NEVHGC “TANDEM PACK”

### NEVHGC Instructions for all Non-Commercial Tandem Pilots flying at NEVHGC sites

#### 1. Introduction

In recent times, legal issues have appeared regarding the use of NEVHGC sites by pilots who wish to take their friends/acquaintances for a non-commercial tandem flight. This is because the passenger may well be a neither member of HGFA nor of NEVHGC. Taking such persons for flights off NEVHGC sites exposes you, as the “pilot in command”, to legal action from that person should that person injure themselves, or suffer some other damage or loss.

You are totally responsible for the health and welfare of your passenger. NEVHGC is in no way responsible for your tandem flying.

However, to assist tandem pilots in this situation, NEVHGC has devised procedures that facilitate all passengers in tandem flights conducted off NEVHGC sites being either a member of HGFA, or a member of NEVHGC. The Constitutions of both these organisations hinder legal action against fellow NEVHGC or HGFA members and increase your level of protection.

#### 2. To Whom These Instructions Apply

These instructions apply to **any pilot** who, wishes to take a **person who is not a member of the HGFA** for a **non-commercial** tandem flight or flights.

#### 3. What You Need to Do

- 3.1 You need to be qualified to fly tandems. Proof of qualifications can be through (any one of these will do):
  - 3.1.1 An HGFA passenger carrying endorsement (included in your HGFA card),
  - 3.1.2 Any valid overseas Tandem endorsement,
- 3.2 You will have obtained this “Tandem Pack” which has forms that you need to give to your passenger to sign. It is important that you read and understand these forms.
- 3.3 It is totally your responsibility to ensure that you have fulfilled all the legal (including medical) requirements necessary to conduct tandem flights in Australia.

#### **4. What You Need to have Your Passenger Do**

- 4.1 Your passenger needs to be given the **Sports Tandem Passenger North East Victorian Hang Gliding Club Membership Form and Indemnity Waiver** (these are included in the “Tandem Pack”).
- 4.2 You must make sure that your passenger has read and understood this form. In particular, they should be made to realise that what they are signing:
  - 4.2.1 This makes them an NEVHGC member and will waive the passenger’s ability to start legal action against fellow NEVHGC members and against HGFA,
  - 4.2.2 This membership is permanent until NEVHGC receives (in writing) a notice of intention from the passenger to no longer be an NEVHGC member.
  - 4.2.3 A weblink is provided on the waiver form should you or the passenger wish to read the club constitution. Although advisable, it is not a legal requirement. Ticket sellers will also have a hard copy of the constitution.
- 4.3 There are two sections for your passenger to complete and sign. One section is for the passenger to keep, the other must be detached and given (as soon as possible) to either a Membership Seller (who will then pass it on to NEVHGC) or to an NEVHGC office bearer.
- 4.4 You must witness the passenger signing this form (in both sections).

#### **5. If You Fail to Follow These Instructions**

- 5.1 Failure to follow these instructions leaves you with neither any protection from legal liability, nor any possibility of assistance should you be sued.
- 5.2 If NEVHGC becomes aware that you are not following these instructions properly (especially clause 3.1), NEVHGC nevertheless reserves the right to:
  - 5.2.1 Ban you from flying from NEVHGC sites (whether Tandem or Solo),
  - 5.2.2 Report the matter to HGFA, who may refer it on to Civil Air Services Australia,
- 5.3 NEVHGC is not responsible for whether or not you comply with these instructions. It is up to you to make sure that you comply.

#### **6. Additional Reading and References**

The HGFA Operations Manual

NEVHGC Constitution

NEVHGC Membership Procedures

Note: Additional passenger carrying insurance is available through HGFA. Please contact HGFA for this.

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