



HangGliding & Paragliding Land Owner Information Package

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Background

What is Hang gliding and Paragliding?

Hang Gliding is an aviation sport that commenced in New Zealand in the 1970s, with its sister sport, Paragliding, starting about fifteen years later. Today, there are over 1200 pilots in New Zealand with occasional overseas visitors who must legally join the New Zealand Association giving them insurance cover and ensuring they abide by the NZ regulations and rules..

Unlike uncontrolled sports (e.g. kite surfing, horse riding), hang gliding and paragliding are highly regulated throughout New Zealand. In fact, the sports are regulated by the Civil Aviation Authority, and all pilots are required by law to be certificated and be a current member of the NZHGPA. In a pilots' training they must complete a course with a certified instructor that includes theory exams, practical training, and they must maintain their licence and currency yearly to continue flying, exactly the same as pilots of more conventional aircraft.

Civil Aviation Rules recognize paragliders and hanggliders as 'aircraft' for the sake of administration just the same as any other 'aircraft' e.g.: a Cessna, a helicopter etc. Paragliders and hangglider operations make up the largest group

Hang-gliders comprise special sailcloth material on an aircraft aluminium/carbon frame (rather like kites), while paragliders are ram-air aerofoils shaped by Kevlar lines (rather like banana-shaped parachutes). The pilot is suspended within the frame or at the base of the lines respectively, and controls the craft by weightshift or control handles which alters the wing shape. Every glider flying in New Zealand has been manufactured and tested to mandatory, internationally-prescribed standards.

How Do they Stay Up?

Both hang gliders and paragliders are lightweight, motorless, *completely silent*, 'free-flight' craft that can only launched by foot from hills and ridges of a particular shape, which directs airflow smoothly upwards and allows the pilots, once airborne, to soar for as long as the wind continues. A take-off 'run' may only be a few meters long. In some places, thermals – rising columns of air – also let pilots stay aloft by spiralling up like eagles and, by flying between thermals, to travel cross-country, as do sailplanes.

Hang gliders and paragliders land more like butterflies than conventional aircraft, with slow speeds and in small spaces. Experienced pilots can land consistently on or within a few metres of their intended spot and, in stronger winds, hover or descend vertically. Because they are gliders, they do not “fall” out of the sky when the wind stops –pilots simply glide to the ground and touchdown, like birds!

Who are pilots?

Pilots come from every walk of life. The sport itself promotes self-belief and a healthy respect for the environment and others, irrespective of background or status. The demographic is an older one, with most pilots aged in their 40s or above.

Competitions

Mostly, throughout a flying season, when simply ‘free-flying’ or, ‘going for a fly one afternoon’, just one or two pilots may need to land on private property.

When a pilot is unable to find updrafts to maintain lift the glider will gently glide towards the ground. When getting low, a pilot will seek out safe landing options free from obstacles and turbulence, avoid proximity to houses and stock and seek to land as near as possible to a track or road.

Very occasionally, local Clubs, under the regulations of the NZHGPA, may organize a competition to encourage pilots to hone their skills, to develop comradery and to create a team worthy of representing NZ in international events. In NZ the number of pilots in these events may vary from just 20 pilots to around 80.

In organizing these events a team of experienced local pilots will look closely at the weather forecasts and on any one day, first thing in the morning, a launch site is chosen for the day that has the optimum flying conditions. Some of these sites have been used by Paragliders and hanggliders for years. The aim is to choose a site that gives the pilots the best chance of staying airborne for the duration of the set task for the day. Pilots are required to fly between a number of turnpoints, to a set goal, in a race. Commonly a day’s task (race) will last about 2-3 hours. Pilots try not to land in-between the start and the goal! That’s the beauty of the sport. It’s like a ‘game of chess’ in the sky; a yacht-race in three dimensions. It is truly an art and takes a lot of skill to find the lift, the thermals, to stay aloft and keep the wing under control. The longest task set in a competition in the world is over 200km. (the world record for a free-flight is over 500km in one flight..... about 12 hours in the air!). Commonly in NZ tasks are between 30km and 80 km. Often the course of the set task is only known once the organizing pilots get to a site and ascertain the local weather conditions, and this may only be a matter of minutes before the competition pilots get airborne for the day. Hence it is generally not possible to notify landowners of properties over which pilots fly in advance of a task, just the same as a Cessna on a recreational day flight is not required to notify landowners of properties that they overfly.

Due to the significant impact on local communities of an increased number of pilots, local aero-clubs and interested flying parties are notified in advance by special ‘notices to airmen’. Police and rescue agencies may also be notified. Local aerodromes are notified. There is a lot of administration.

Some landowners are only too keen to see and be involved with paraglider /hangglider operations; it is quite spectacular, others not so. Where it is known that landowners are particularly sensitive they will be notified, when possible in advance, and any special considerations will be noted.

You, Your Land and Our Local Flying Club

Although the sports are regulated nationally by the CAA and administered by the NZHGPA, they are managed locally, by Regional Clubs. It will usually be your local club member with whom you will discuss any concerns and agree, or not, to terms for access to your property.

Flying sites are very rare and very precious. You can be confident that you and your land will be treated with the greatest respect. Landowners’ goodwill and satisfaction are essential to us, and it is you who will decide the exact conditions under which pilots may access and operate from your land.

Throughout New Zealand there are over 500 sites. The majority of these sites are on private land where Clubs have maintained excellent decades-long relationships with landholders. Financially and/or physically, clubs regularly assist landholders in weed control, fencing, revegetation, track upkeep and other maintenance. Some landholders even enjoy going up with pilots for tandem flights.

Arrangements may be formal in the way of licences, leases, consent or simple verbal agreements, with or without access limitations/rules or site fees. The Clubs can provide a pro-forma consent agreement if required. Clubs can also create and provide a site guide that tells pilots specifically the rights of site usage, any hazards relating to and information to keep pilots safe and to satisfy landowners' concerns.

Lambing/fire risk/erosion or other concerns?

Decades of successful partnerships between landholders and clubs have created effective Pilot Codes of Conduct that also addresses landowner concerns. These are attached as an appendix.

These may include seasonal restrictions, such as:

- During lambing
- When access tracks are very wet
- During fire season
- Harvesting
- Pest control

Insurance and Indemnity

Recreational pilots normally do not pay for access, or to fly, and as a result, paragliding and hanggliding activities are not considered an 'adventure activity' by the Health and Safety Act 2016.

The NZHGPA has a \$5M policy of insurance that covers the NZHGPA, its financial members, its member clubs and **landowners**: The cover specifically indemnifies, and thereby protects *"owners of property or land being used for the insureds activities."* Copies of our Certificate of Insurance currency and policies are available on the NZHGPA website, and one is attached below (Appendix D).

What about Plants and Wildlife?

Unlike sports that require infrastructure such as clubhouses or playing fields, the environmental impact of Hang Gliding and Paragliding is negligible - much less than that of cycling or even walking. With a "playing field" in the air, the sports have minimal effects on vegetation, and this is reflected in the existence of many sites within reserves and DOC land. When parked, a hang gliders footprint on the ground is only about the area of a single human foot; a paraglider is constructed of fabric that has similarly little impact. Birds and stock quickly become accustomed to paragliders and hanggliders. Cows, in particular, can be very curious!

Any Other Questions?

The Appendices contain more detailed information about hang gliding and paragliding operations, if you would like to know more, please feel free ask your local Club Representative. We have also included the guide put out in conjunction with federated farmers and 'Walking Access Maps' (WAMS) for land-owners on Health and Safety for recreational users.

APPENDIX A - Operational Regulations & Controls

1.1 Flight Operations

Controls and standards are established for hang gliding and paragliding operations throughout New Zealand by ensuring pilots and the equipment they operate comply with the New Zealand Operations Manual and Civil Aviation Regulations.

The Operation Manual provides the framework and rules for all flying activities under the jurisdiction of the NZHGPA. This framework includes measures to provide for the effective management of pilot safety and measures specifically designed to protect members of the public and their property. Key areas covered by the Operations Manual and Civil Aviation Regulations include:

- Pilot and Aircraft Certification
- Site ratings
- Guidelines covering launch and landing zones; and the
- Mandatory National Safety System.
- An overview of these key areas is provided below.

1.2 Pilot and Aircraft Certification

Hang gliding and paragliding are highly regulated at every level and in a consistent manner throughout every New Zealand. All hang glider and paraglider pilots, as required to be members of, and be certificated by, New Zealand Hanggliding and Paragliding Association of New Zealand. Just as for pilots of other aircraft, certification follows the successful completion of a mandated practical training syllabus and theoretical examinations under an Instructor. Also as for pilots of other aircraft, hang glider and paraglider pilots must maintain a minimum number of logged hours annually to remain current and to renew their membership.

All hang glider and paraglider aircraft are manufactured to International prescribed aircraft standards regulated and stringently tested by the Deutscher Hängergleitsportverband (DHV) in Germany, the United States Hang Gliders Manufacturing Association (USA) and/or the British Hang-Gliding Association (UK), which certify all gliders. It is a condition of licence renewal that each pilot must ensure their glider(s) have been inspected.

1.3 Site Ratings

The NZHGPA has in place a series of standard pilot experience ratings (PG1 thru 3, Supervised, Intermediate and Advanced, plus Instructor and Safety Officer levels). To minimise the potential for accidents, a site rating correlating to pilot certificated flight experience ratings is applied. This rating reflects the difficulty of either the launch, flight conditions, or landing for the particular location (the rating for a site may be different for high and low tide conditions, for example). Pilots fly only sites suited to their piloting standard and this is overseen at Club level by designated Club Safety Officers, a national safety committee, and mentoring by experienced pilots.

1.4 Controls over landings and landing zones.

Landings are to be performed in accordance with the NZHGPA operations manual. Flights do not confer on an operator of a hang glider or paraglider, any rights as against the owner or occupier of any land on or over which the operations are conducted, or prejudice in any way the rights and remedies which a person may have in respect of any injury to persons or damage to property caused directly or indirectly by the hang glider.

Pilots will not select or designate as an intended landing area, nor land on, except in circumstances of emergency, any property in respect of which permission to land has been expressly denied.

When flying sites are on private property, typically farmland, in all cases Clubs have received the specific agreement of landholders to either gain access to or launch or landing sites through their property or to launch and land on their property.

Agreements always require pilots to respect the wishes of landholders at all times.

1.5 The Mandatory National Safety Management System

All accidents and incidents are subject to the NZHGPA's CAA Safety Management System, which allows for reporting, analysis and dissemination of information to the relevant Aviation authorities and NZHGPA members. The reporting system identifies causes and risks, and aims to prevent recurrence: pilot safety is a high priority for those involved at every level of our sport.

All Clubs implement training in the form of First Aid Courses, film nights, Safety Officer updates and licence upgrades for their members. There is also much informal safety-oriented discussion in online forums.

APPENDIX B - PILOT CODE OF CONDUCT

Most Clubs have the use of several sites. Please be sensible. Follow all site rules and help us to keep our flying sites. Management of flying sites is everyone's responsibility - pilots need to with respect.

In joining the NZHGPA and flying local sites NZHGPA members have agreed to:

- Treat landowners well: without their goodwill we can't fly; don't take them for granted. Provide landowners with signed waivers where required. Observe all Health and Safety on the land-owners property.
- If you open a gate you close it; If there is more than one car you still close it behind all of them, at the next gate somebody else does it all for you.
- Do not cause any fire – obey landowner rules. (always be aware of cars exhaust in summer and park accordingly away from vegetation)
- Do Not smoke on launch sites or in landing areas.
- Do Not bring pets on launch or to landing areas.
- Do Not take vehicles into cropped paddocks or onto tracks that you do not have permission to drive into.
- Keep vehicle speeds low and appropriate to the conditions – avoid/minimise creating dust.
- Do Not land where permission has been denied by the owner, or in other prohibited areas.
- Do Not climb over fences - use the gates. If you do have too always at a post.
- Do Not litter and to take your litter home.
- Do Not overfly prohibited areas and where possible farm buildings.
- Do Not land in stocked or cropped paddocks.
- Be aware of transmission of stock or fauna disease, especially if landing on farms. Clean footwear particularly.
- Minimise any environmental damage; be particularly careful with inadvertent transplant of seeds and use established paths or tracks wherever possible.
- Beware of power lines - they may be strung between tree lines; they are located near most buildings. Some farms have local power lines normally in gulleys and a single wire for fences avoid flying in these areas and exercise caution.
- Limit the number of vehicles using access roads where possible.
- Treat all members of the public well and with respect, inform them of your sport and encourage their interest.
- Obey all conditions and requests from landowners, including Council or park Officers.

Fly only at sites for which you hold the relevant rating. Unless under an instructor that holds the correct rating accompanies you for that purpose.

- If you are a visiting pilot you must contact a local pilot and/or site monitor to obtain the latest information regarding access procedures, hazards and any other protocol pertaining to that site, and you must agree to abide by the above code of conduct before flying.

Appendix C - CAA Authority



Aviation Recreation Organisation Certificate

This is to certify that

***New Zealand Hang Gliding and Paragliding
Association Inc.***

is authorised for:

Personnel Certification (Hang gliding and Paragliding)
Administer pilot certificates and ratings
Administer pilot registration
Authorise persons to conduct warrant of fitness inspections
Assess pilot and instructor competence
Authorise launch sites
Set standards for safety equipment

as defined in the organisation's exposition.

This certificate is not transferable, and shall come into force on the 23rd day of December 2015 and remain in force until the 23rd day of December 2020 unless otherwise suspended or revoked.

Granted this 14th day of December 2015

A handwritten signature in blue ink, appearing to read 'Anthony', is written over a circular red embossed seal. The seal contains the CAA logo and the text 'CIVIL AVIATION AUTHORITY OF NEW ZEALAND'.

for Director of Civil Aviation

This certificate is granted pursuant to Civil Aviation Rule Part 149

No. RO19836

Appendix D- Insurance certificate

PUBLIC LIABILITY INSURANCE - Summary of Cover

This is a summary of the cover provided by your policy. Please refer to the policy document for the full terms, conditions, and exclusions relating to this insurance.

The Insured	NZ Hang Gliding & Paragliding Association Inc
The Insurer	AIG Insurance NZ Ltd
Policy Number	PEL1162
Period of Cover	01/07/2020 to 01/07/2021 at 4pm

Policy Wording

Ando General Liability GL0616

Covering – What is Covered

Public and Products Liability

We will indemnify You for all sums that You become legally liable to pay as Damages in respect of Personal Injury or Property Damage happening during the Period of Insurance within the Policy Territory and caused by an Occurrence in connection with Your Business.

Costs and Expenses

In addition to the applicable Limit of Indemnity or any specified sub-limit, We will pay Costs and Expenses necessarily and reasonably incurred in relation to a claim against You for which there is cover under this Policy irrespective of whether or not You are found legally liable.

Business Insured – Your Occupation

All those activities connected with or associated with the recreational sport of Hang Gliding and or Paragliding, as conducted by the members of the New Zealand Hang Gliding and Paragliding Association Incorporated.

Limit of Liability – What You are Insured for

General Liability	Any one Occurrence	\$ 5,000,000
Product Liability	In the Aggregate	\$ 5,000,000
Legal Jurisdiction	New Zealand	

Limit of Liability

Excess – Your Contribution to the Claim

	Excess
In respect of each and every event other than as detailed below	\$ 500
Pilot Negligence each and every occurrence	\$2,000
Advertising Liability	\$ 1,000
Defective Workmanship	\$ 1,000
Forest and Rural Fires	\$ 500
Goods on Hook	\$ 2,500
Innkeeper's Liability	\$ 1,000
Lost or Stolen Keys	\$ 1,000
Product Withdrawal Costs	\$ 2,500
Property in Care, Custody or Control	\$ 1,000
Punitive and Exemplary Damages	\$ 1,000
Underground Services	\$ 2,500
Vehicle or Watercraft, Equipment or Machinery Service and Repair	
- Vehicle or Watercraft	\$ 1,000
- Equipment or Machinery	\$ 2,500
Vibration and Removal of Support	\$ 5,000
Warrant of Fitness	\$ 2,500

Appendix E



July 2016

12. Health and safety responsibilities of farmers to recreational visitors

Frequently Asked Questions



Does the new Health and Safety at Work Act 2015 significantly change the obligations farmers have to ensure the safety of recreational visitors to their land?

No. Changes made during the consultation process for the *Health and Safety at Work Act 2015* have ensured the legislation continues to enable farmers to readily grant access to recreational visitors as they have done for generations. The obligation remains for farmers to warn visitors of risks in the workplace that they wouldn't normally expect on a farm.

What are the obligations of farm owners and managers towards recreational visitors to their farms?

The obligations of farm owners or managers towards recreational visitors do not differ substantially from those under the former *Health and Safety in Employment Act 1992*. When recreational visitors enter a workplace or a place near a workplace with the farm owner's or manager's consent, the owners or managers and their workers have a duty to ensure the safety of the visitors from work-related hazards that place them at risk of harm.

As the people in charge of the workplace, the farm owner or manager and their workers have an obligation to ensure visitors are warned of any specific hazards on the farm that they would not normally expect to encounter, such as tree-felling, blasting, earthmoving machinery or pest control activities. This obligation relates only to parts of the farm that visitors will be accessing – there is no need to warn visitors about hazards that are not on or near a route they will be using.

Natural features like bluffs, landslides, rivers and wasp nests are excluded, along with

hazards you would expect to find as part of a farm operation, such as barbed wire and electric fences.

If there are explicit farm rules, for example around speed or wearing of protective gear, farm owners or managers and their workers are entitled to request that visitors obey these.

If a visitor trips over a tree-root or stone, a farm owner or manager won't be held responsible for the other person's carelessness. If the owner or occupier could not reasonably have been expected to know of a hazard, they cannot be held responsible for any harm that occurs to a recreational visitor.

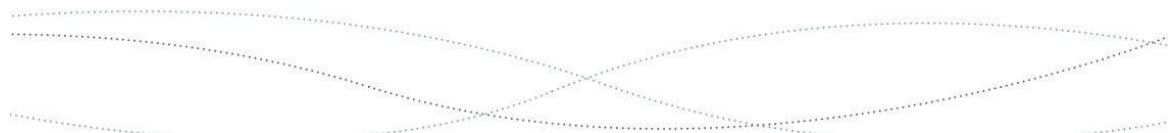
Farm owners or managers have a general duty to ensure risks are identified, managed and communicated to visitors, either by themselves or by workers or contractors working on the farm. They will not be held liable for injury to unauthorised visitors where there is no opportunity to communicate.

What if there is a group of visitors to the farm? Is the farm owner or manager obliged to ensure everyone in the group is informed of hazards?

No. If a group visits, it is sufficient to give the warning to a representative of that group, on the understanding that they will inform the others.

Is there an obligation for farm owners and managers to inform visitors in writing of any specific hazards on the property?

No. The information can be passed on verbally, in an e-mail or on the phone. The important thing is for the farm owner or manager and their workers to provide up to date information.



Are landholders liable if a member of the public is injured on public land intersecting or adjoining their land (e.g. a marginal strip, esplanade reserve or strip, or unformed legal road), or injured on a gazetted Walkway crossing their land?

Usually no. Generally, persons injured as the result of an accident are covered by the *Accident Compensation Act 2001*. Only in exceptional circumstances would there be civil liability to compensate for injury.

If an incident or injury occurred as a result of work being conducted on or near the public land, then there would be liability, under the *Health and Safety at Work Act 2015*. For example, if the injury takes place on an unformed legal road and the road is being used as, or is close to, a workplace or workplace activity (such as tree felling) the *Health and Safety at Work Act 2015* applies.

What is the situation if a visitor is paying for the access, either to the farmer or to a trip organiser?

If a landholder is charging a fee for access, an activity that might have been purely recreational (e.g. access to a fishing spot) becomes a workplace activity. The landholder would therefore have the obligations of a person conducting a business or undertaking (PCBU) under the *Health and Safety at Work Act 2015*. Whether a trip or event organiser given permission to use the land has the obligations of a PCBU depends on whether individuals personally profit from the event. If a trip or event is run by a voluntary association, such as a tramping club or rogaining club, the PCBU obligations will generally not apply.

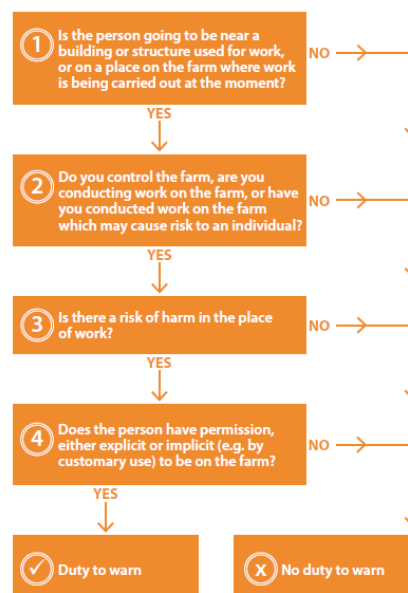
What responsibility does a landholder have for the personal property of persons exercising walking access on their land?

A landholder is not responsible for any loss or damage suffered by a person using walking access on the landholder's land unless the loss or damage is caused by the deliberate action of the landholder. This applies to walking access in general, not just on a Walkway.

Are landholders liable if a fire started by a member of the public on their land causes damage to neighbouring property?

No. The landholder is not liable for suppression costs if a fire is started on their land by someone else, even when the person responsible cannot be found. Direct admission of responsibility or proof of causation is required.

When do you have a duty to warn people about hazards?



APPENDIX F



Adventure activities

Information for land owners and land managers when adventure activities are being provided on their land

The Health and Safety at Work (Adventure Activities) Regulations 2016 deal with the provision of adventure activities.

This fact sheet focuses on the role of land owners and land managers where adventure activities are being provided on their land.

It is important for land owners and managers to be aware of their health and safety responsibilities when granting permission for adventure activity operators to use the land they own or manage. This factsheet summarises what is required under the Health and Safety at Work Act 2015.

Adventure activity regulations require adventure activity operators to undergo a safety audit and register with WorkSafe NZ before advertising or providing the activity for payment.

Land owner and land manager responsibility

A land owner or manager is considered to be a Person Conducting a Business or Undertaking (PCBU) and as a result they are a "duty holder". The responsibilities of land owners and managers are discussed below.

A PCBU who manages or controls a workplace must ensure, so far as reasonably practicable, that the workplace, the entry and exits, and anything arising from the workplace, are without risks to health and safety.

The adventure activity operator⁽¹⁾ is responsible for the risks arising from their operation. The land manager's responsibilities depend on the access arrangements agreed with the operator.

1. Where there is no charge for an operator to use the land for adventure activities, but permission has been given by the owner or manager.

- The land owner or manager has a duty to warn authorised visitors of any out-of-the-ordinary hazards that may cause them serious harm that arise in that place of work.
- This means giving at least a verbal warning about the hazard (though you can for your own records and for evidence later keep a written record if you choose to):
 - at the time you grant permission for the land to be used, and
 - as new hazards arise.
- If a group of people is involved, it is generally sufficient to give the warning to the person who will oversee the adventure activity.

2. Where there is payment for use of land for adventure activities, e.g. a seasonal payment or a percentage of any admission fee paid.

- The land owner or manager must take all practicable steps to ensure that the adventure activity is conducted safely.
- We consider that this will include asking the operator to see proof of their registration, and
- This also includes warning visitors about hazards on the site (all hazards and not just out-of-the-ordinary hazards must be identified and notified).

3. Where visitors do not have permission from the land owner or manager.

- A land owner or manager is not liable under the health and safety legislation if anyone comes on to their land without permission and suffers harm, whether from a work-related hazard, or for any other reason.

Further information

For further information on the Adventure Activities Regulations and the Health and Safety at Work Act 2015, [contact us](#).

FOOTNOTES

(1) "Adventure Activity Operator" is defined under regulations 3 and 4 of the [Health and Safety at Work \(Adventure Activities\) Regulations 2016 \(external link\)](#).

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APPENDIX G:



New Zealand Legislation

Health and Safety at Work (Adventure Activities) Regulations 2016

4 Meaning of adventure activity

- (1) Subject to subclauses (2) to (5), in these regulations, **adventure activity**—
 - (a) means an activity—
 - (i) that is provided to a participant in return for payment; and
 - (ii) that is land-based or water-based; and
 - (iii) that involves the participant being guided, taught how, or assisted to participate in the activity; and
 - (iv) the main purpose of which is the recreational or educational experience of the participant; and
 - (v) that is designed to deliberately expose the participant to a serious risk to his or her health and safety that must be managed by the provider of the activity; and
 - (vi) in which—
 - (A) failure of the provider's management systems (such as failure of operational procedures or failure to provide reliable equipment) is likely to result in a serious risk to the participant's health and safety; or
 - (B) the participant is deliberately exposed to dangerous terrain or dangerous waters; and
 - (b) includes, for example, an activity listed in Schedule 2, but only to the extent that paragraph (a) applies to it.
- (2) An **adventure activity** does not include any of the following:
 - (a) an activity for which a maritime document is required;
 - (b) an activity for which instruction is given only in relation to the supply of equipment for use in the activity;
 - (c) use of a passenger ropeway;
 - (d) use of an amusement device;
 - (e) abseiling or climbing, if done indoors;
 - (f) ice-skating on a human-made surface;
 - (g) a snow activity that is done indoors or within a patrolled ski area.
- (3) An **adventure activity** does not include an activity provided by a sports club or recreation club to—
 - (a) a member of the club; or
 - (b) a member of another sports club or recreation club under an agreement between the clubs; or
 - (c) a person who is not a member of the club, if the activity—
 - (i) is provided only to encourage membership of the club or interest in the club's activities, or only for the purposes of a competition; and
 - (ii) is provided to any 1 person on no more than 12 days in any 12-month period.
- (4) An **adventure activity** does not include an activity provided by an association representing a sports club or recreation club to—
 - (a) a member of the association or of any of the clubs; or
 - (b) a member of another association, or of any sports clubs or recreation clubs represented by the other association, under an agreement between the associations; or

