

**GOVERNMENT REGULATORY REPORT  
AGM – 2020  
Pat Floyd**

**NAV CANADA & WAIVERS**

**NAV CANADA:**

NC has changed its position that it now considers skydiving (parachuting) **not** a normal general aviation activity.

Previously, drop zones were protected by alert advisory areas, referred to as a “CYA(P)”

5 drop zones (that I know about) affected by this change in NC policy:

- Pitt Meadows (closed)
- Victoria - Capital City (effectively closed)
- Victoria Skydivers (almost closed)
- Campbell River (limits where and when can jump)
- Tofino (limits when can jump)

**Recommend all drop zones that don't have CYA(P)s to apply for CYA(P) areas from Transport Canada, and the remaining drop zones not to accept the cancellation by Nav Canada of their respective CYA(P) alert areas.**

**Recommend all drop zones reach out to the local NC facilities to ensure open lines of communication and dialogue.**

***“If you don't fight for airspace – you won't have a place to jump!!”***

## **WAIVERS:**

A recent civil action in a fatality in Ontario has outlined the poor use of waivers. The legal costs of a court case can exceed \$100,000 - even if you win.

The legal costs to enforce the waiver (before trial) would be between \$20,000 to \$30,000 approx., not including the business costs and reputation damage

Even a minor injury can lead to serious civil legal action.

IE: A tandem passenger is hurt on landing (injured ankle and sore back); the passenger goes back home and can't work for several months and still has pain which limits their ability to work in the future at their previous level.

In the initial briefing the passenger is told by the dispatcher that: "this sport is safe and they can't be hurt". The passenger signs the waiver, but they rely on what they were told.

The amount the person can recover depends on the facts and where they live.

The claim could be worth \$60 K (Canadian resident) to \$1.5 million (US resident) plus legal costs \$60 to \$200 K.

### **Waiver (6 ways)**

- Assumption of risk
- Waiver of rights
- Release of rights
- Indemnity, duty to defend, and hold harmless
- Covenant not to sue
- Limitation of damages

### ***(IF UNDER AGE – not recommended – but if you do, have the above as well from PARENT OR GUARDIAN)***

Recommend that all drop zones review their waivers, procedures and websites, for completeness and effectiveness. Review them on safety day. It must be noted that there are corporate structures that can help limit the effect and risk of costly lawsuits.

Ensure the message is: *"Skydiving is a high-risk sport such as dirt biking, automobile racing, aerobatic flying, back country skiing, or cliff climbing, and it has its inherent risks that can't be ignored and the risks are never zero."*

***"It's a risky sport and people can get injured or die even if everything is done right."***

***"A bankrupt or closed drop zone can't operate"***