

**From:** [Justin - Silver Ridge](#)  
**To:** [CBOS info \(DoJ\)](#)  
**Subject:** CONFIDENTIAL - Mt Roland Quad Bikes Pty Ltd - response to Quad Bike Safety Taskforce - release of Issues Paper  
**Date:** Monday, 6 March 2017 11:52:17 PM  
**Attachments:** [image003.jpg](#)

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Thank you for your invitation to participate in this Issues Paper. I apologise for my late response.

As an ATV Adventure Tour Company, the safety of my clients is of primary importance. Yet as with motor cars, trucks, construction, farm and other equipment, this biggest influencer of rider safety is rider attitude and competence.

In response to the issues paper.

### **Increasing rider awareness of risks.**

Sufficient avenues exist for riders to become aware of inherent risks associated with the use/misuse of ATV's. ATV dealers routinely provide manufacturer videos to purchasers instructing safe use. Such videos covers all key messages outlined in the Issues Paper, with the exception of Epirb and Rollover Protection.

The majority of "possible key messages" outlined are intuitive. Epirb and Rollover Protection however are measures requiring considered deployment based on the proposed application. The fitment of rollover protection to conventional quad bikes is opposed by all major ATV manufacturers, notwithstanding the same manufacturers include ROPS as key design elements on larger model, multi-person ATV's commonly referred to as ROVs.

The highest risk factor associated with the use of ATV's is the rider. The majority of instances resulting in serious injury or death involve rider error/abrogation of responsibility for self/others. If someone is intent on hurting themselves or others they will inevitably succeed. I loathe the idea responsible riders should be legislatively/financially/operationally burdened because of the folly of a few.

### **Review available training in Tasmania**

The key question here is whether training should be mandated.

Public liability insurance & Worksafe requirements place enough incentive on employers to monitor the correct and safe use of ATV's. Mandated training creates a protected market for trainers and would drive the cost up for all users. Doing so in a State dominated by primary/rural industry would be simultaneously misguided and courageous.

Developing a riding culture that says safe use and demonstrated skill is more cool than taking risks is the key. Supporting and nurturing a culture of competitive/skilled riding is more likely to produce successful outcomes. New riders needs somewhere (facilities) to learn to ride safely, preferably under responsible guidance. Seasoned riders need somewhere safe to develop their skills applicable to their usual type of riding.

### **Greater Rider Protection - Helmets**

The statistics seem unclear as to whether the wearing of a helmet would have prevented death in any/many of the 86 fatalities between 2011-2015 (those not wearing a helmet). Similarly, one can also not draw conclusions on whether ROPS or other measures would have improved the mortality rate. As a long time rider of many forms of motorcycles I am a strong advocate of using helmets. There are however circumstances in rural use where the use of one is not necessarily practical or can cause an increase in inherent risk to the individual.

### **Greater Rider Protection - Rollover Protection**

Rollover protection systems (CPDs, OPDs, generically referred to as ROPS) only work in instances where operator can be safely contained within the protected zone. Doing so requires seat belt/s. Application of these two items on conventional quad bikes is ineffective as:

- In the absence of a backrest, there is nothing substantial for the rider to be strapped to or braced against, in order to be contained within the protected zone.
- An installed seat belt will also keep the rider with the ATV and perpetuate a rollover down a steep slope
- it risks pinning a rider down underwater (dam or water crossing) out of reach of the belt release.

Other observations:

- ROPS obstructs materials handling, increasing load/unload risk for operators
- ROPS become a catch hazard in bushland applications for conventional quad bikes due to their weight and dimensions
- video demonstration of ROPS commonly evidencing riders “safely” pinned down by flexible ROPS are depicted pinned in an orientation unlikely to be experienced in a real crash. Few, if any, riders come to rest under an ATV facing upwards and in the opposite direction to travel.
- The cost of ROPS is prohibitive. Rebate schemes drive the cost up further.
- Conventional Quad Bikes are not substantially large enough for a ROPS system to work effectively (centre of gravity, height, width). If they were, manufacturers would routinely install as they have with side by side ROVs seating two or more persons.
- Advocates of ROPS pointing to the successes in larger construction (excavators) & farm equipment (tractors etc.) conveniently ignore/overlook the fact ROPS require seat belts. I note many advocates also sell ROPS under rebated schemes.

Arguments aside, manufacturers go to great lengths to alert purchasers to the safe use of ATVs, including warning signs on the ATVs, complimentary instruction videos and strong ethics towards maintenance and repair. They also manufacture, in my experience, a good range of PPE and go to great lengths to sell it. Like all motorcycle and driver equipment, all have their specific application.

Broadly mandating the installation of ROPS ignores the many unique applications in which ATVs are used and that no one solution is appropriate in all instances. Given the money to be made by installing ROPS (\$1500+ after rebates), manufacturers would be the first to add them if they thought it improved safety. Clearly, the same manufacturers that oppose ROPS for quad bikes

consider them intrinsic to the design of larger ROVs (multi seat side by side ATVs).

### **National Standards for quad bikes**

The majority of all accidents resulting in injury and death are due to rider error/neglect (including maintenance). I would be surprised if few, if any, are due to defective/substandard design. This is equally true of car, motorcycle, truck and bus crash statistics.

Developing a standard introduces a new cost to manufacturers to be borne by consumers and taxpayers to produce little, if any, reduction in the incidence of injury or death.

I do not support it.

### **Consumer safety rating system**

ATV stability relies upon specific rider input and is completely subjective to the rider. An ATV that feel stable to one rider may feel unstable to another. A rating system cannot distil this to a number or number of stars. Riders must choose an ATV (tool) appropriate for the job according to the rider's style, competency and intended terrain. No single ATV design/specification can cater for all riders, applications or terrain. And the inclusion of additional equipment appropriate to intended use would change stability dynamics and render the rating irrelevant. This is equally true of all models and makes motorcycles. They are a very personal experience that cannot be distilled to a rating system.

The challenge is being able to try before you buy. Unless you are a prospective/repeat purchaser of multiple ATVs, the opportunity to test ride an ATV pre-purchase in the terrain you are going to use the machine is limited. Facilitating the opportunity for consumers to test ride an ATV pre-purchase would be more effective than a subjective rating system.

A safety rating system would not influence my future purchasing choices.

### **Rebate schemes**

Rebate schemes arbitrarily pick winners and losers and encourage rorts. They drive the cost of the rebated equipment up for all purchasers, especially for those ineligible and still come at a financial cost to someone. Who is going to pay?

I do not support them.

### **Conclusions**

Inherent risks exists in all activities and should be accepted by the individual undertaking them. Personal responsibility and accountability is the most effective tool in modifying behaviour and driving positive outcomes. ATV safety ultimately rests with the rider. Information, training and PPE is readily available for riders wishing to seek it out and operate an ATV safely in the intended application. The only significant challenge is the opportunity to try before you buy to enable correct selection of an ATV appropriate for the rider's individual circumstances. Otherwise, in all other respects, riders need to understand it's their responsibility to seek the resources they

need to ride safely responsibly, no one else's.

Kind regards,

Justin Carman

Director

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**From:** CBOS info (DoJ) [mailto:CBOSinfo@justice.tas.gov.au]

**Sent:** Monday, 9 January 2017 3:54 PM

**To:** Undisclosed recipients:

**Subject:** Quad Bike Safety Taskforce - release of Issues Paper

**Importance:** High

Please find attached the discussion paper – *Quad Bike Safety in Tasmania*.

This paper was developed by the Quad Bike Safety Taskforce, a multi-agency group formed by the Minister for Building and Construction Mr Guy Barnett, to look at innovative statewide strategies to improve safety outcomes for quad bike users in the State.

Your organisation has been identified as a stakeholder in quad bike use and safety in Tasmania and we hope you will help provide valuable insight as the Taskforce works towards the development of a statewide plan.

If you believe there is a more appropriate person in your organisation to provide feedback to this paper, please feel free to forward this email to them.

The issues paper is attached to this email and has also been released publicly on the Department of Justice website at

[http://www.justice.tas.gov.au/community-consultation/quad\\_bike\\_safety\\_taskforce](http://www.justice.tas.gov.au/community-consultation/quad_bike_safety_taskforce)

Feedback is being invited prior to Tuesday 28 February 2017.

Email submissions are preferred.

Submissions seeking to be treated as confidential should be clearly marked as 'confidential'.

Submissions provided by mail should be sent to;

Consumer, Building and Occupational Services

PO Box 56

Rosny Park TAS 7018

Thank you for your assistance

**Consumer, Building and Occupational Services**

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