

Quad Bike Safety in Tasmania

Issues paper

DOC/17/1163

Introduction

Quad bikes are a useful vehicle in workplaces such as on farms and for use in primary industries in general. They are also a popular recreational and sporting vehicle and are extensively used as secondary vehicles on large residential properties and hobby farms.

However, despite their convenience and popularity, quad bikes have been the leading cause of death on farms in Australia for the past five years¹. The risks posed by quad bikes aren't confined to farm workers, with approximately half of fatalities being individuals outside a work setting. Tragically, one in five people killed on quad bikes in Australia are children.²

Since January 2015, there have been twenty-eight (28) quad bike deaths nationally, including three in Tasmania.

Coronial inquests into a number of quad bike deaths were held in Queensland and New South Wales in 2015 and an inquest into seven (7) quad bike deaths in Tasmania between November 2012 and December 2015 has recently concluded.

The purpose of this issues paper is to provide an overview of some of the issues and options relating to quad bike safety. It identifies some of the questions that stakeholders may wish to consider in developing a submission on the paper. Submissions will inform the development a statewide quad bike safety plan and implementation strategy.

Developing a statewide safety plan

The Minister for Building and Construction, as Minister responsible for Workplace Health and Safety and Consumer Protection, has established a taskforce to extensively consult and investigate ways of improving safety outcomes for quad bike users. This Taskforce includes representatives from the following areas of Government:

- Consumer, Building and Occupational Services (Department of Justice)
- WorkSafe Tasmania (Department of Justice)
- Safe Farming Tasmania (Department of Primary Industry, Parks, Water and the Environment)
- Sport and Recreation (Department of Premier and Cabinet)

The Taskforce will develop a Tasmania-wide plan for consideration by the relevant Ministers early in 2017.

¹ Australian Centre for Agricultural Health and Safety. (2015). Farm Related Injuries Mid Year Report 2015.

² Joint inquests in Queensland into nine deaths caused by Quad Bikes Accidents by Deputy State Coroner Mr John Locke, findings delivered 3 August 2015 ("Queensland Findings") para 123

Key safety actions

The taskforce has identified the following key areas for potential action to improve quad bike safety in Tasmania;

- Increasing rider awareness of risks
- Improving rider skills
- Greater rider protection
- Government-led action

Increasing rider awareness of risks

1. Raise public awareness of risks and highlight safe use practices

Quad Bikes can be a practical and suitable choice of vehicle in a range of circumstances; however they can be dangerous if not used safely and on appropriate terrain. Raising awareness of how to use quad bikes safely could prevent many incidents from occurring.

Possible key messages for safe quad bike use include:

- Have the skills – make sure riders are trained for the work/activity they are doing
- One person only – unless the vehicle is specifically designed for a passenger
- The right load – only carry a load in accordance with manufacturer's instructions
- Adult quad bikes are not safe for children
- Always wear a helmet
- Consider fitting rollover protection
- Is this the right tool for the task? – assess the task, the terrain and the rider's ability before deciding to use a quad bike
- Tell someone when you head out, or carry an Epirb – in case of accident
- Maintain your vehicle
- Do not drink and ride

There is a range of ways which these key safety messages *can be communicated*. These include through newspapers, mailouts, websites, social media, industry forums and gatherings.

Questions:

What do you believe are the best ways to communicate to quad bike users about risks and safe use practices?

What do you think are the key safety messages for quad bike users?

In your experience, what are the most prevalent risk factors associated with the use of quad bikes?

Improving rider skills

The findings of both the Queensland and New South Wales coronial inquests discussed the challenges of raising the skill level of quad bike users. An appropriate course of training could be an effective method of increasing knowledge and skill for quad bike users.

The *Work Health and Safety Act 2012* places a general duty on employers (Persons Conducting a Business or Undertaking) to ensure, as far as reasonably practicable, that workers who operate plant (such as quad bikes) as part of their work, are given adequate information, training or supervision that is necessary to protect all persons from risks to their health and safety that may arise from this work. However how an employer meets this duty is at their discretion. The employer must determine the most appropriate action to meet these requirements.

Most riders tend to teach themselves, or learn from family, friends or workmates. In 2013, the Australian Competition and Consumer Commission released a quantitative study of quad bike operators. It found that half of participants were taught how to ride by a family member or friend and a third were self-taught.³ The availability, cost and suitability of training courses may be the reason for their low uptake.

2. Review available training in Tasmania

Although there is a nationally accredited training package in relation to quad bikes, there is no legal requirement that any workplace undertake this training. In addition, the Queensland coronial findings were critical as to the quality of the training package currently provided.

Two Tasmanian registered training providers are listed on Tasmanian and Federal training websites as providers of the nationally accredited quad bike training unit.

Questions:

Have you utilised training in relation to quad bikes? If so, what was your experience?

Is appropriate training readily available in the State? If not, how is it lacking?

Do you think training should be mandated (legally required) in some way?

What do you think are the barriers to greater numbers of riders using training courses? How could these be addressed?

Greater rider protection

While training and education can lower the likelihood of accidents, rider protection can reduce the potential consequences of an accident.

3. Helmets

There is no current Australian Standard for quad bike helmets. New Zealand has created a specific standard for quad bike helmets NZS 8600:2002. The lack of an Australian Standard for quad bike helmets arguably undermines the push to encourage greater use of helmets by quad bikes.

NSW Deputy State Coroner suggested Australia adopt the NZ standard in the interim⁴. The Coroner also commented that all quad bikes and SSVs contain warning labels advising that the user should wear a helmet.⁵

The available research indicates that helmets are not commonly worn by quad bikes users. The Centre for Automotive Safety Research paper, “Quad bikes in South Australia”⁶ found that fifty-two percent (52%) of respondents reported that they never wore a helmet and only eleven per cent (11%) reported that they always wore one.

In the recent Tasmanian coronial inquest, five (5) of the seven (7) deaths being examined were of individuals that were not wearing helmets. At a national level, between 2011 and 2015, only eleven (11) of the ninety-seven (97) quad bike fatalities were wearing helmets.

³ ACCC media release 68/13 <https://www.accc.gov.au/media-release/accc-warns-of-dangerous-quad-bike-practices>

⁴ Joint Inquests in New South Wales into Quad Bike Deaths conducted by Deputy State Coroner Sharon Freund, Findings delivered 26 November 2015, (“NSW Findings”) Paragraph 228(b)

⁵ NSW Findings at para 175a)Page 40

⁶ LN Wunderlitz, SD Doeke, SJ Raftery, JE Harrison – “Quad Bikes in South Australia: an investigation of their use, crash characteristics and associated injury risks”, Centre for Automotive Safety Research, University of Adelaide (CASR 134) January 2016, Page 66

The wearing of helmets can be made mandatory in most but not necessarily all scenarios. A comparison can be drawn with motorbikes. It is illegal to ride a motorbike on a public road without a helmet and a person can be required to wear personal protective equipment (PPE), such as a helmet, on a worksite. However, this does not require an individual to wear a helmet when riding a motorbike on private land, in a non-work situation.

Although requiring helmets on public roads and in workplaces would not cover all quad bike users it could arguably help change the culture around helmet use, increase the market for quad bike appropriate helmets thereby stimulating design and competitive pricings.

It is recognised that helmets would not protect against situations where the quad bike strikes or pins a rider after an incident. Addressing quad bike safety will likely require a combination of strategies.

Questions:

In your experience, is there a high prevalence of quad bike users wearing helmets?

What would encourage greater use of helmets?

What is currently a barrier to the wearing of helmets?

Would you support the creation of an Australian Standard for quad bike helmets?

Should helmets be mandatory (legally required) for quad bike riders?

4. Rollover protection

Crush Protection Devices (CPDs), or Operator Protection Devices (OPDs) are two alternative names for the most common form of rollover protection for quad bikes. These devices have been discussed at length in the various coronial inquests and in research materials.

There remains some contention as to whether or not such a device would provide a net safety benefit; that is, whether the reduction in risk in some crash circumstances outweighs the increased risk posed by the device in other circumstances.

The New South Wales Deputy State Coroner recommended further co-operative research and data analysis on the risks and benefits of the devices amid concern that the “pro” and “con” camps had become entrenched⁷.

The purchase and installation of appropriate rollover protection is now an option under both the Victorian and the New South Wales rebate schemes. (refer to section 9 for further discussion on rebate schemes)

Questions:

Have you installed rollover protection? If so, what has been your experience? If not, why not?

Is the cost of installing rollover protection a barrier?

⁷ NSW findings at para 244

Government-led Action

5. National standard for quad bikes

Currently, quad bikes sold in Australia do not need to comply with a design standard in order to satisfy minimum safety requirements. Many however comply with a US standard. There is no Australian Standard in relation to these vehicles. Both the Queensland and the New South Wales Deputy State Coroner's recommended that work be commenced to develop an Australian standard based on the US standard.

Questions:

Do you support the development of an Australian Standard for quad bike design?

6. Consumer safety rating system

A safety rating system would enable consumers to assess the safety claims and comparative differences of quad bikes in a simple way. This could work in the same way that the Australasian New Car Assessment Program (ANCAP) ratings currently operate for all passenger road motor vehicles sold in Australia. In fact, the University of New South Wales Transport and Road Safety (UNSW TARS) research recommended that once established, the safety rating system for quad bikes could be maintained as part of the ANCAP system.⁸

The NSW Deputy State Coroner⁹ and the Queensland Deputy State Coroner¹⁰ both recommended a consumer rating safety system as a means of assisting consumers to assess whether a vehicle is appropriate for their needs, at the point of purchase. The UNSW TARS suggested that a rating system could assess factors such as static stability, dynamic handling and rollover crashworthiness.¹¹

Questions:

Would a safety rating system affect your purchasing choices in the future?

If a system was implemented, what do you think should be included as part of the system?

7. Rebate scheme

Rebate schemes, aimed at farmers, have been launched in both New South Wales and Victoria to encourage quad bike owners to consider ways to increase safety. The schemes set limits in relation to the amount a farm business can receive and what it can be spent on.

It should be noted that the New South Wales and Victorian schemes are targeted specifically at farm businesses. This includes "primary producers" as defined by the Australian Tax Office. Owners of quad bikes who do not have farming as their main source of income are not eligible.

⁸ Queensland findings - Para 330-335

⁹ NSW findings - recommendation no.1

¹⁰ Queensland findings - Recommendation no.12

¹¹ UNSW TARS Final Project Summary Report: Recommendation 10

Both schemes enable eligible farmers to receive a rebate for one of the following:

- the purchase of “an alternative vehicle”, i.e. a side-by-side vehicle or a small utility vehicle (this does not include a ute or truck), or
- the purchase of rollover protection (but not the installation)

The NSW scheme also includes these options:

- a rebate on accredited training from a registered training organisation, and/or
- a helmet compliant with one of several standard helmets, including the New Zealand standard quad bike helmet.

Questions:

Would a similar rebate scheme deliver improved quad bike safety in the Tasmanian context?

How to make a submission

The submission period for the Quad Bike Safety in Tasmania Issues Paper closes on 28 February 2017.

Comments responding to questions in the issues paper can be sent to:

Quad Bike Safety Taskforce
Issues Paper submission

Email: cbosinfo@justice.tas.gov.au

Mail: Consumer, Building and Occupational Services
PO Box 56
Rosny TAS 7018

Phone: 1300 65 44 99

Email submissions are preferred.

Submissions seeking to be treated as confidential should be clearly marked as ‘confidential’.

Submissions will be considered by the Taskforce in the development of a state-wide quad bike safety plan.

References

The following sources have been cited in this paper:

Grzebieta, Rechner, Simmons and McIntosh - UNSW TARS Final Project Summary Report: Quad Bike Performance Project Test Results, Conclusions and Recommendations

Wunderlitz LN, Doeke SD, Raftery SJ, Harrison JE - *Quad Bikes in South Australia: an investigation of their use, crash characteristics and associated injury risks* – University of Adelaide, Centre for Automotive Safety Research CASR134 – January 2016

ACCC media release 68/13 <https://www.accc.gov.au/media-release/accc-warns-of-dangerous-quad-bike-practices>

Joint Inquests in New South Wales into Quad Bike Deaths conducted by Deputy State Coroner Sharon Freund, Findings delivered 26 November 2015, (“NSW Findings”) Paragraph 228(b)

Joint inquests in Queensland into nine deaths caused by Quad Bikes Accidents by Deputy State Coroner Mr John Locke, findings delivered 3 August 2015

Australian Centre for Agricultural Health and Safety. (2015). Farm Related Injuries Mid-Year Report 2015.

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