

Queensland Family and Child Commission Submission

To: Australian Competition and Consumer Commission (ACCC) Date: 13 December 2017

Topic: Issues Paper – Quad Bike Safety

Queensland Family and Child Commission

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Submission summary:

The Queensland Family and Child Commission (QFCC) is pleased to provide a submission to the ACCC regarding the scoping of safety standards for quad bikes.

The QFCC is responsible for maintaining a register of all child deaths in Queensland and currently holds data from 1 January 2004 to 30 November 2017. This submission provides mortality data from the Queensland Child Death Register for children and young people who died in quad bike accidents, to inform the usefulness of potential design features to prevent child deaths involving quad bikes. This includes quad bikes, all-terrain vehicles (ATVs) and side-by-side vehicles (SSVs) (including golf carts). These are referred to collectively hereafter as quad bikes unless otherwise stated.

A total of 15 children and young people have died in Queensland in quad bike incidents in the last 14 years.

In August 2015, the Queensland Deputy State Coroner made a number of specific recommendations in relation to preventing the deaths of children and young people with the introduction of legislation for the use of quad bikes. A number of those recommendations specifically address the risk factors identified within the QFCC data.

Data for prevention activities

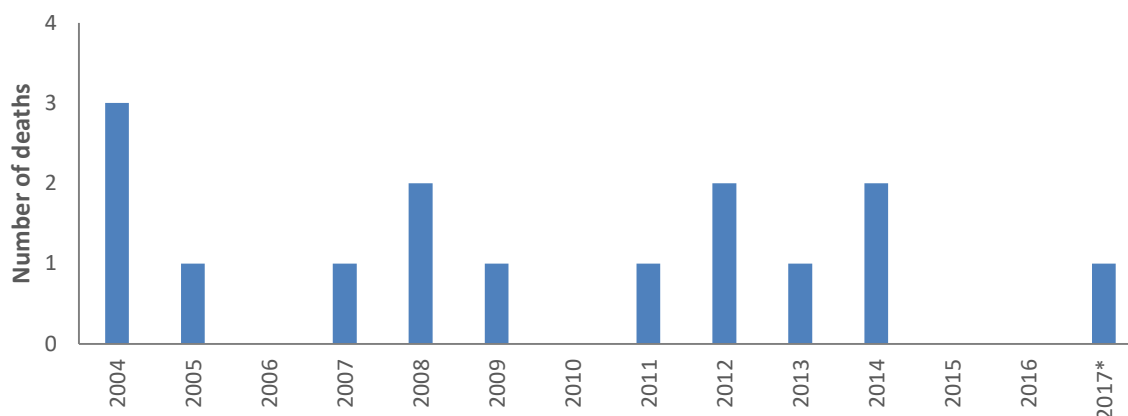
QFCC collects, analyses and publishes information about child deaths to help prevent future deaths and serious injuries. We work with researchers and other agencies to raise community awareness and develop prevention programs and policies, by identifying risk factors, trends and emerging safety hazards. QFCC can provide detailed death data to researchers and organisations, at no cost – please email child_death_prevention@qfcc.qld.gov.au.

Q1. Can you provide additional data or information on costings of injuries and fatalities caused by quad bikes?

The QFCC is unable to provide data on the costings of injuries and fatalities caused by quad bikes, however, the QFCC is able to provide data and information from the Queensland Child Death Register on the number and circumstances surrounding the fatalities caused by quad bikes for the period 1 January 2004 to 30 November 2017.

Across the 14-year period, there have been 15 deaths of children and young people while riding quad bikes.

Figure 1. Deaths of children and young people by year of death, 2004–2017*



*to November 2017

Table 1 shows the ages of children and young people fatally injured in quad bike accidents. The youngest child fatalities were aged 4 years.

Table 1. Deaths of children and young people by age and sex, 2004–2017*

Age category	Female	Male	Total
1–4 years	2	2	4
5–9 years	1	3	4
10–14 years	2	3	5
15–17 years	1	1	2
Total	6	9	15

*to November 2017

The majority of deaths occurred on adult-sized quad bikes (10 of the 15 deaths), while 3 deaths occurred on SSVs and 2 deaths on child-sized quad bikes. The children and young people were similarly represented as both drivers (8 deaths) and passengers (7 deaths).

Table 2. Deaths of children and young people by age, quad bike type and role in accident, 2004–2017*

Age category	Child quad bike		Adult quad bike		Side-by-side vehicle (SSV)		Total	
	Driver	Passenger	Driver	Passenger	Driver	Passenger	Driver	Passenger
1–4 years	2	0	0	2	0	0	2	2
5–9 years	0	0	1	1	0	2	1	3
10–14 years	0	0	3	1	0	1	3	2
15–17 years	0	0	2	0	0	0	2	0
Total	2	0	6	4	0	3	8	7

* to November 2017

In August 2015, the Queensland Deputy State Coroner made recommendations that legislation be introduced to prohibit children under the age of 16 years from operating adult sized quad bikes and side by side vehicles. Further, that children between the ages of 6 and 16 be prohibited from operating a youth sized quad bike or side by side vehicle that is not specified to be appropriate according to the manufacturer’s age recommendation for that particular vehicle.

In regards to children being carried as passengers on quad bikes, the Deputy State Coroner made recommendations that children under the age of 16 be prohibited from being carried as passengers on adult-sized sit-astride quad bikes. Additionally, that children under the age of 7 be prohibited from being carried as passengers on adult-sized SSVs (as well as any child of whatever age if they are unable to sit with their back against the seat, feet flat on the floor and floor rests, and hands on handholds).

The QFCC notes that under Australian Consumer Law, a safety standard could not impose age restrictions on quad bike use or mandate passenger restrictions.

Q2. Would design changes to quad bikes be likely to reduce the number of injuries and fatalities caused by quad bikes in Australia?

The majority of child death incidents involved a rollover event (13 deaths), either in isolation (11 deaths) or following a collision (2 deaths). The remaining deaths were the result of a collision exclusively or falling/being thrown from the quad bike (1 death each).

Table 4. Deaths of children and young people by quad bike type and mechanism of incident, 2004–2017*

Mechanism of incident by quad bike type	Quad Bike	Side-by-side vehicle	Total
Rollover	10	1	11
Collision preceding rollover	0	2	2
Collision	1	0	1
Fall/Thrown	1	0	1
Total	12	3	15

* to November 2017

The types of injuries causing death were predominantly head injuries (8 deaths) and asphyxia (4 deaths). Where the death was the result of a head injury, helmets were known to have not been worn in all but one incident. No helmets or seatbelts were worn for fatalities on SSVs.

Table 5. Deaths of children and young people by quad bike type and injury, 2004–2017*

Injury type by vehicle type	Quad Bike	Side-by-side vehicle	Total
Head injury	5	3	8
Asphyxia (including likely asphyxia)	4	0	4
Crush injury	2	0	2
Multiple injuries	1	0	1
Total	12	3	15

* to November 2017

Where the death was the result of asphyxia (4 deaths), all of which occurred as a result of a rollover event; the child was either riding unaccompanied, or the driver was also injured/killed in the incident. In two cases, it was more than 20 minutes before it was realised the child was missing and it was more than 30 minutes before they were found. In the other two cases, the children were found shortly after the quad bike rollover.

It is possible that changes in design features may reduce the number of child fatalities caused by quad bikes.

Q3. If you answered 'yes' to question 2, what design changes do you consider would have this effect? Which design features, if any, should a safety standard mandate or prohibit? In particular, the ACCC is interested in understanding design changes that are likely to reduce:

- a) injuries and fatalities as a result of quad bike rollover**
- b) injuries and fatalities caused to children**
- c) injuries and fatalities caused to riders being carried on quad bikes not designed to carry passengers.**

The QFCC would reiterate the recommendations around age restrictions made by the Queensland Deputy State Coroner as outlined under Question 1.

Design features that relate to the reduction of child usage, prevention of rollover events, audible alerts of vehicle rollover and interventions for asphyxia deaths are likely to have the most impact in relation to child deaths.

Q4. If your view is that design features should be mandated or prohibited to increase quad bike safety, could the regulation be designed to encourage innovation rather than prescribing particular products or technical solutions (for example by ensuring fitting points or attachment mechanisms to allow the development of improved CPDs or ROPSs or by prescribing performance-based outcomes rather than technical designs)?

The QFCC is not positioned to make any comment on this subject.

Q5. If any or all of these design changes were implemented in Australia, are you able to estimate the additional cost that would be imposed on Australian suppliers?

The QFCC is not positioned to make any comment on this subject.

Q6. To what extent does the US Standard satisfactorily address design features that ensure quad bikes are safe for use? Do you consider that Australia should adopt a mandatory standard similar to the US Standard? To what extent would this option impose additional costs on Australian suppliers or create barriers to trade?

The QFCC notes that the US Standard includes provisions around the implementation of age recommendations for operating quad bikes, as well as labelling and materials to raise awareness of the hazards associated with quad bike usage. The QFCC notes that under Australian Consumer Law, a safety standard could not impose age restrictions on quad bike use or mandate passenger restrictions.

Q7. Are consumers currently getting adequate information at the purchase point about quad bike use and limitations or safety information and equipment? Should there be additional warnings or instructions displayed at the point of purchase or provided with the sale of quad bikes?

- a) What form should the warning or instructions take?
- b) What costs would be imposed by the requirement for further warnings or instructions?
- c) What benefits might the warnings or instructions have in reducing quad bike related deaths or injuries?

The QFCC supports the display of clear warnings at purchase point, which will draw the purchaser's attention to the dangers quad bikes pose to children and young people. Further, that clear information/labelling be affixed to quad bikes where they are not appropriate for the usage of children and young people.

Q8. In relation to the option of a consumer safety rating system:

- a) What testing criteria should be specified?
- b) How should test results be displayed?
- c) What costs might be imposed by requiring the testing of vehicles and displaying the test results?
- d) What benefits might a consumer safety rating system have in reducing quad bike related deaths and injuries?

The QFCC is not positioned to make any comment on this subject.

Q9. If your view is that regulation is needed to reduce the number of injuries and fatalities caused by quad bikes in Australia, how should these be implemented? One proposed option is to prohibit or mandate particular design features; another is to increase consumer information, including through a consumer safety rating system; a third option is a combination of both:

- a) What are the comparative benefits and costs of these approaches?

The QFCC is not positioned to make any comment on this subject.

Q10. If the ACCC recommends a mandatory safety standard for quad bikes:

- a) Should the standard apply differently to quad bikes used for different purposes, for example agriculture, sports, recreation, tourism and commercial hire?
- b) Should the standard apply differently to quad bikes designed for use by children?
- c) Should the standard apply to SSVs as well as quad bikes, and if so how should the vehicles be defined?
- d) When should the standard commence?
- e) Should the standard include a transitional provision?
- f) Should the standard have an expiry date?
- g) Should the standard apply to both new and second hand vehicles, or be limited to new quad bikes sold after the transitional date?

Table 6. Deaths of children and young people by role and purpose for usage, 2004–2017*

Role of child and reason for usage	Work	Recreation	Other travel	Total
Driver	2	5	1	8
Passenger	2	4	1	7
Total	4	9	2	15

* to November 2017

The QFCC suggests that age-specific recommendations, where made, be applied for all purposes of usage. The QFCC supports the introduction of a transitional provision, similar to changes that were made in relation to swimming pool fencing and fire alarm legislation.

Q11. What is the life cycle of quad bikes in Australia? For example, on average how long do consumers use quad bikes before the vehicle is retired? How long might it take before the current stock of 380,000 quad bikes is replaced by new stock that satisfies requirements of a safety standard, if imposed?

Manufacture date information was not available for more than half of the quad bikes. Where information was available, the average age of quad bikes was 5 years at the time of the incident.

Table 7. Deaths of children and young people by age of quad bike (where provided), 2004–2017*

Maximum age of quad bike at time of incident	Total
2 years	1
3 years	2
4 years	1
6 years	1
7 years	1
8 years	1
10 years	1
Not able to be determined	7
Total	15

* to November 2017

The QFCC is not positioned to provide any further information on this subject.

Q12. Please provide any other information you consider may be relevant to the ACCC's consideration of these issues.

The QFCC has no further comments for consideration.