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Director
Quad Bikes Taskforce
Consumer Product Safety Branch
Australian Competition & Consumer Commission
GPO Box 3131
Canberra, ACT 2601
qbtaskforce@accc.gov.au
7th June 2019

Dear Sir,

Re: Exposure Draft Consumer Goods (Quad Bikes) Safety Standard 2019

AgHealth Australia is administered by the University of Sydney (University) and is part of the Sydney Medical School. The vision of the Centre is: “Improved health and well-being of people in Australian agricultural communities”. The information in this response is from the University acting through the Centre and is provided by me in my capacity as an Honorary Associate Professor.

The Centre has operated as the major national agency with a sole objective to enhance agricultural health and safety through provision of evidence-based information that can then inform improved health and safety practice in agriculture. The Centre is in its 34th year of operation. The Centre has no commercial interest with any of the quad distributors or companies involved in research and/or in retailing crush protection devices.

The Centre supports the introduction of the proposed Exposure Draft Consumer Goods (Quad Bikes) Safety Standard 2019 [the Standard]. It is our contention that the Standard addresses two of the key design factors that have been associated with the poor health and safety record of these vehicles. Principally, the Standard:

1. For the first time internationally, requires a lateral stability requirement for vehicles which are “prone to rollover”¹
2. Enhances user safety in the event of a rollover incident by requiring fitment of an Operator Protector Device.

Although some of the approaches identified within Option 5 of the Regulatory Impact Statement (March 2018)² have not been addressed, we believe this Standard provides a practical and effective starting point to enhance the safety of these products. Notwithstanding, in the longer term additional regulation on vehicle design to further enhance

¹ Olle, J. *Investigation into deaths of Vince Tobin, Joseph Jarvis Shepherd, Jye Kaden Jones, Peter Vaughn Crole, Thomas James Scutchings, John Neville Nash, Patricia Murray Simpson, Elijah Simpson with inquest.* State Coroner Victoria, 2009: Melbourne.

² ACCC. Quad bike safety Consultation Regulatory Impact Statement, 2018.



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safety and the introduction of a safety star rating system to inform consumers, would prove beneficial.

I also note more recent findings from a New Zealand coronial inquest (May 2019), where the rider was trained, wearing a helmet and the vehicle in good condition.³ However, the decedent died from asphyxia in a rollover incident where one coronial witness suggested that the rider may have survived if a ROPS (OPD) was fitted. While the coroner was unable to definitively support this view, the company in which the incident occurred (Landcorp), also verified that they believed three serious harm incidents had been averted as Lifeguard OPDs had subsequently been fitted to their fleet.

Support for the use of OPDs has also been further enhanced with Tasmania now introducing a rebate scheme and becoming the third state in Australia to provide such incentives.⁴ Subsequent to the aforementioned inquest in New Zealand, Worksafe NZ has also formally supported the fitment of OPDs "... we strongly recommend you get a CPD installed permanently".⁵ Such approaches accord with our analyses of the evidence, with the Centre advocating for OPDs (CPDs) to be fitted since 2010 (revised 2016).⁶ Since this time, a further 135 people have died in quad incidents across Australia, with more than half of these involving rollovers. Tragically, the outcomes in many of these incidents would have been significantly different if OPDs had been fitted to these vehicles, as required under this Standard.

An ongoing concern remains the safety of children in this context in using both adult and youth (child) models. We re-iterate these concerns and in relation to potentially assistive design issues, call on the ACCC to re-consider issues pertaining to child-resistant start mechanisms (which already exist on some models), and seat design modifications for adult-sized quads to reduce the capacity for children to operate these vehicles (and for passengers to be carried).

In relation to youth (child) models, previous information submitted to the ACCC highlights several concerns. In summary,

- Children in Australia have died on youth (child) sized models (n=6; rollovers=5; wearing helmet=5).⁷
- The risk of injury per number of driving hours is reduced by only 18% if using a <90cc compared with one >200cc and the level of risk for a child or adolescent operating a youth-model quad remains almost twice as high as that for an adult on a larger machine.⁸

³ Windley B. An inquiry into the death of KAYE MARIE BLANCE. May 7 2019.

⁴ Worksafe Tasmania. Quad Bike Safety Rebate Scheme. May 2019.

https://www.worksafe.tas.gov.au/safety/safety_subjects/subject/quad_bikes/quad-bike-safety-rebate-scheme

⁵ Worksafe NZ. Policy Clarification - Crush protection devices on quad bikes. May 5 2019.

<https://worksafe.govt.nz/laws-and-regulations/operational-policy-framework/operational-policies/policy-clarification-crush-protection-devices-on-quad-bikes/>

⁶ Lower T, Temperley J. Preventing death and serious injury caused by quad rollovers on Australian farms - Policy Paper. ACAHS 2016.

https://sydney.edu.au/medicine/aghealth/uploaded/Quad%20Bike/Position_Statement_Quads_Feb%202016.pdf

⁷ AgHealth Australia. National Farm Injury Data Centre: National Coronial Information System. 2019.

⁸ Levenson M. All-Terrain Vehicle 2001 Injury and Exposure Studies: U.S. Consumer Product Safety Commission, Bethesda, 2003.



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- Cognitively, children have slower reaction times than adults,⁹ which is particularly relevant in an emergency situation e.g. potential rollover.
- There is “... *no conclusive evidence to suggest that children riding smaller-sized quads have fewer accidents or less severe injuries than those on adult-sized quads.*”¹⁰
- Youth-sized quads are based on maximum speeds. However, “...*There is currently no safety research supporting the recommended speeds for these youth-sized vehicles.*”¹¹

Based on the above and the lack of data that these allegedly “age-appropriate” products are indeed “safe” for use as required under the Australian Consumer Law,¹² a ban on their importation and sale based on product safety concerns is supported until their safety can be verified. We reiterate our previous concerns that while the ACCC has noted it will “...continue to monitor the safety hazards posed to children by Youth quad bikes”, such an approach is reactive. As children are among the most vulnerable groups in our community, more can and should be done to proactively address this issue to protect children within the scope of this Standard and subsequent developments.

In summary, AgHealth Australia is supportive of the draft Standard in its current form. However, moving forward additional work will be required to incorporate the design issues previously outlined in Option 5. Finally, urgent attention is required to address design features on adult-sized quads to limit use by children/carriage of passengers (modification to seat design and child-resistant start mechanisms) and the cessation of youth model imports until the safety of these products for children can be verified.

We thank you for the opportunity to comment on this draft Standard and look forward to seeing the direct benefits that will accrue in terms of reduced mortality and morbidity associated with quad use upon its introduction.

Yours sincerely

Hon. A/Prof Tony Lower
AgHealth Australia

⁹ Kail R. Processing time decreases globally at an exponential rate during childhood and adolescence. *Journal of Experimental Child Psychology* 1993; 56:254-65.

¹⁰ Anson K, Segedin E, Jones P. ATV (quad bike) injuries in New Zealand children: their extent and severity. *New Zealand Medical Journal* 2009; 122 (1302):11-28.

¹¹ Denning G, Harland K, Jennissen C. Age-based risk factors for pediatric ATV-related fatalities. *Pediatrics* 2014; 134(6):1094-102.

¹² Australian Government. Competition and Consumer Act 2010: <http://www.comlaw.gov.au/Details/C2011C00003>, 2010.