



AUSTRALASIAN OFF ROAD VEHICLE ASSOCIATION

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Re: AORVA submission to ACCC Quad Bike Safety Final Recommendation to the Minister,
February 2019

Introducing AORVA:

The Australasian Off Road Vehicle Association (AORVA) is a not for profit association established in 2014 that forms a consolidated body to represent recreational ATV and SSV users working for a healthy future for Off Road Vehicle (ORV) recreation. AORVA's membership of ATV, SSV and other Off Road Vehicle enthusiasts co-ordinate with industry to present our wishes to organisations and various levels of Government to achieve greater riding location access in all states of Australia.

Preface:

As a very practically experienced Off Road Vehicle collective, it is clear to AORVA that much of the ACCC quad bike information documented is reproduced, slanted, and often sensationalised information from circulations for various agendas relating to quad bike safety. The ACCC Final Recommendations still do not reflect the fact that quad bikes are a very simple, safe and practical machine to operate in a harsh environment when basic safety advices are followed.

AORVA Submission:

Any quad bike safety issue is clearly not best addressed by the Assistant Treasurer affecting product offerings at point of sale.

It astounds AORVA that the Federal Government and ACCC draw out considerations while known safety solutions lay idle in the hands of State and Territory authorities. Key recommendations from all Coroners reports from around the country site behavioural issues as the greatest area for improvement. Everyone 100% supports mandating the use of helmets, banning children under 16 from adult size quad bikes and keeping passengers off single seat quad bikes. Sound governance would have seen these addressed years ago. There is absolutely no doubt that if the relevant State authorities had moved to enact these three undisputed recommendations that Australian lives would have been saved. Instead, the ACCC continue to inappropriately skew quad bike safety recommendations to the Federal Government.

The Assistant treasurer should choose Option 1 (do nothing) because the real solutions are outside of his jurisdiction. Other Federal Government should move to ensure legislation that supports State and Territory Governments to be more effective on the private property Australian farm.

Any quad bike safety issue is clearly not an engineering design or product marketing issue and recent safety awareness (behavioural) measures do appear to be working.

The common sense cannot be ignored that if an operator of any machine disregards the basic recommended safety advices and goes about their business with complacent safety attitude, negative consequence are much more likely. An example would be operating a modern state of the art road going passenger vehicle, with alcohol in your system, not wearing a seatbelt, driving at speed and whizzing through red traffic lights when it looks clear enough. Application of a Star rating system at point of sale, and fitting a roll bar are pathetically pointless measures that do not at all address the obvious real issue.

When considering that greater than 80% of farmers do not follow quad bike manufacturers basic safety advices (not wearing helmets), and that quad bikes are typically operated on farms in a harsh off-road environment with little regulation or controls, quad bikes themselves are proven to be a remarkably safe machine.

Reminder note: There are no reported quad bike fatalities in Organised Sport and Recreation (same machines, different safety culture, evidenced by closer to 100% of riders wearing helmets).

Queensland Coroner John Lock noted in point 47 of his findings that;

“The proportion of quad bike fatalities in Australia is less, but close to, the passenger vehicle road toll in Australia, per 10,000 vehicles.”

Meaning, in Australia, ‘Quad Bikes’ have a lower fatality rate than registered passenger vehicles. Yet we see no absurd suggestion of CAMS approved roll cages for family cars, 5 point harnesses, and fire suits and helmets for all passenger car occupants... even though there is strong evidence to support an increased safety result and hundreds of Australian lives could be saved.

AORVA notes that Quad Bikes in Australian organised sport and recreation are fatality free, and draws attention to where the QLD Coroner states in his point 18, that;

“Quad bikes not only have utility in a work setting, they are also utilised in a recreational setting. I have not considered in any detail recreational use. One reason for this is that not many deaths are associated with recreational users who use the vehicles competitively or in deliberately higher risk situations. The reason for this is uncertain but I suspect such recreational users utilise greater personal protective equipment, are engaged in active riding, are aware of and anticipating potential difficulties, and are able to avoid the consequences.”

AORVA recommendation to the Minister of the ACCC presented options:

AORVA is very disappointed that from all the possible action plans that could come from a 134 page ACCC document that the ACCC produce a range of only three options. Two action options being close to Identical, and one option being offered as a throw away ‘do nothing at all’ option. Incredibly, both options 2 and 3 require the fitment of an OPD. It is obvious that the ACCC have a poorly placed interest in OPD fitment.

Option 1 (do nothing) could be selected to reflect that any improvement is not a point of sale or engineering effort, and that mandating helmets and keeping children of adult sized quad bikes will obviously be the most responsible and effective approach.

If an Option 1.5 were to arise, AORVA supports application of the US or EN standards requirement.

“ACCC Key points.

There are three options analysed to increase consumer safety when operating quad bikes.

Option 1, is a baseline option and does not include any regulatory changes.

Option 2, requires all quad bikes supplied to meet the US or EN Standard, provide rollover warning information, display vehicle stability information at the point of sale and also requires all general-use model quad bikes to be fitted with operator protection devices.

Option 3, requires Option 2 and additionally stipulates minimum stability requirements general use model quad bikes must meet.”

Of the three options presented, the Assistant Treasurer should choose to enact **Option 1...**

...in conjunction with advising that other appropriate levels of Government are empowered to enforce the common sense behavioural change required to make a real difference.

Yours sincerely,



Darrell Knight

General Manager

Australasian Off Road Vehicle Association Inc.



Supporting notes

The ACCC documentation (Executive Summary) is still misleading where it estimates that quad bike deaths in Australia average 16 per year. This does not reflect the real (and continuing) decline trend over the last 5 years.

The Australian Bureau of Statistics continue to confirm the decline and that there are indeed very few ATV (includes quad bikes and other vehicles) related deaths each year, in fact 14 deaths in 2016 down to 12 for 2017, being the last year released. The majority but not all of these deaths are 'quad bikes' last year was 10 deaths. Contrary to the tone of ACCC RIS 4.4, safety awareness efforts from various Government Departments, Industry, Media (in this very small negative result area), appear to be positively influencing the actual cause which is poor farm workplace safety culture.

Reference: [Australian Bureau of Statistics, 3303.0 Causes of Death, Australia, 2016, and 2017. Line 1633]

Notes from previous AORVA submissions

Used appropriately, quad bikes are remarkably capable and safe vehicles. Complacency and poor farm workplace safety culture plays a much greater part in negative safety outcomes regardless of which machine the farmer chooses to operate at the time. This aspect is proven in all other safety result areas related to the farm workplace, where the Office of Industrial Relations - Queensland notes that; *"Only 3% of Queenslanders work on farms, but nearly 30% of workplace deaths happen on them."*



With approximately Ten Times the negative safety result from this sector, clearly the 'quad bike' itself (like the passenger car) does not need to be questioned.

While the farm workplace safety culture does need improvement, AORVA suggests that the Quad Bike Taskforce, Consumer Product Safety Branch of the Australian Competition & Consumer Commission is not the appropriate government department to cause effective change. The other ACCC RIS options put forward are largely based around creating mandatory safety standards and engineering solutions that do not address intentional misuse of vehicles and the common farm safety culture of complacency.

The last paragraph of the RIS Executive Summary is supported. Where it says;

"...the ACCC notes that appropriate complementary regulatory measures should be considered by other jurisdictions and agencies. For example, a ban on children from operating adult quad bikes and SSVs and mandating the use of personal protection equipment, such as helmets, for operators and passengers of quad bikes and SSVs."

The ACCC is wasting public funds and resources in an area they have little understanding of, which is also evidenced to be an area with very few fatalities that fall in-line with the Governments acceptable risk appetite for fatality performance relating to all other vehicles / transport options. The other ACCC measures proposed will have little to no effect other than to increase costs for Australians.

- i). Any OPD which adds structure above the vehicles manufactured centre of gravity obviously must increase the vehicles propensity for rollover.
- ii). In the event of a roll over, an added OPD itself is a mechanical structure that could strike, injure, trap or kill the rider in the event of a rollover.
- iii). OPD's themselves can be abused to overload quad bikes or incorrectly restrain loads (evidenced).
- iv). OPD's can cause accidents, hooking trees and other structures.
- v). OPD's can limit a quad bike operators safe escape routes in the event of an accident.
- vi). After a rollover event, a fitted OPD can limit one direction that a quad could otherwise be rolled off a trapped operator.
- vii). OPD's should not be mandated, and criteria for eligibility to be offered as an option should include indisputable evidence of significant safety benefit including being independently assessed to not possibly cause any of the above six negative attributes. And each OPD fitment option should be endorsed by the manufacturer of the quad bike that it is being fitted to.

The ACCC and the Minister should formally recognise that quad bike organised sport and recreation in Australia records zero fatalities. AORVA again recommends the ACCC investigate organised Sport and Recreation method, conduct and results (AORVA, Motorcycling Australia, Tourism Industry) will reveal extremely obvious safety compliance and outcome differences when compared to the farming sector. Differences that achieve a 100% result and are clearly not attributable to any type of vehicles engineering attributes or the way the vehicles are sold.

It appears that the ACCC is staunchly mis-focussed on engineering solutions, vehicle standards and a vehicle rating system. AORVA entirely rejects the focus on the manufactured product when most of the very few deaths that result in and around farming sector use are so clearly more related to misuse in the highly unregulated workplace environment where a prevailing farm safety culture of safety complacency is known to exist.

AORVA's suggestion to investigate organised recreation offers potential for transferable solutions from proven 0% fatality contributors who have historically enjoyed fatality free operations in arguably more challenging environments, and organised recreation continues this best practice performance today. The methods employed are close to zero cost and the result is measured as 100% effective. Sadly, the ACCC has recognised and invested in so many other controversial opinions, studies, works and interests, but made no approach to the only proven best practice performer of organised sport and recreation.

Please also refer previous ACCC Discussion Paper and RIS submissions from AORVA.

