



Government of Western Australia
Department of Mines, Industry Regulation and Safety
Consumer Protection

6 June 2019

Our Ref: A26883508

Enquiries: Catherine Thomson
(08) 6552 9237

Director
Quad Bikes Taskforce
Consumer Product Safety Branch
Australian Competition and Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

By email: qbtaskforce@accc.gov.au

Dear Sir/Madam

QUAD BIKE SAFETY STANDARD EXPOSURE DRAFT

The Department of Mines, Industry Regulation and Safety – Consumer Protection Division (Consumer Protection) has considered the Quad Bike Safety Standard Exposure Draft released for comment on 6 April 2019.

Preferred Option

Consumer Protection supports, in principle, the Australian Competition and Consumer Commission (ACCC) recommendation of Option 3 given it has the potential to lead to the greatest overall net safety benefit for consumers.

Whilst Consumer Protection notes that it may result in a moderate decline of quad bike affordability and an uncertain impact on consumer choice and cost to government, this is significantly outweighed by the potential reduction in risks to Western Australian consumers.

Consumer Protection believes that option 1, which is a base line option and does not include any regulatory change poses an ongoing risk to consumers and will make no impact on deaths and injuries experienced by quad bike users.

The requirements set out in the proposed Safety Standard will likely improve the safety characteristics of quad bikes through:

- improving safety information available to consumers and introducing an incentive for manufacturers to compete on lateral stability results;
- introducing minimum design requirements to all quad bikes through the adoption of international quad bike standards; and
- providing increased protection to operators of general-use model quad bikes by introducing minimum stability performance requirements.

Whilst it is anticipated that Option 2 would provide a significant improvement in consumer safety through the introduction of a minimum safety standard for quad bikes sold in Australia and provide key safety information to consumers to better inform their purchasing decision and raise awareness of the risks posed by these vehicles, it does not address the inherent risks associated with rollovers.

Consumer Protection believes Option 3, which captures the need for operation protection devices will mitigate the risk of serious crush injuries or asphyxiation and will provide increased safety measures for consumers.

Consumer Protection notes this Safety Standard cannot address complementary safety measures relating to the use of helmets and other personal protective equipment, the prohibition of children riding adult bikes, the prohibition of passengers on single seat quad bikes or improvements in quad bike incident data collection.

However, Consumer Protection would seek to have labelling information and warning markings included in the Safety Standard to reflect appropriate use of helmets in accordance with legislative requirements (ie the *Occupational Safety and Health Act 1948* and the *Road Traffic Act 1974*) as well as other personal protective equipment in both the manual and hang tags or permanent and conspicuous markings on the quad bike itself.

However, Consumer Protection will continue to liaise with WorkSafe and other agencies including the Department of Transport, the Road Safety Commissioner, Tourism WA and the Western Australian Police to encourage ongoing improvements and work in these areas.

Additionally, Consumer Protection is happy to assist the ACCC in undertaking and implementing any education campaign relating to this safety standard.

Should you require further information, please do not hesitate to contact Ms Catherine Thomson, Acting Principal Product Safety Officer on (08) 6552 9237 or via email to catherine.thomson@dmirs.wa.gov.au.

Yours faithfully

A handwritten signature in black ink, appearing to read 'David Hillyard', with a long horizontal stroke extending to the right.

David Hillyard
COMMISSIONER FOR CONSUMER PROTECTION