



7 June 2019

Director  
Quad Bikes Taskforce  
Consumer Product Safety Branch  
Australian Competition & Consumer Commission  
GPO Box 3131  
Canberra, ACT 2601

Dear Sir/Madam,

These submissions are made on behalf of the National Farmers' Federation (**NFF**) and Farmsafe Australia (**Farmsafe**) in response to the Assistant Treasurer's call on 06 April 2019 for submissions regarding the safety standard exposure draft recommended by the ACCC (**the Standard**) in its February 2019 report on Quad Bike Safety.

The NFF is the peak industry body representing Australian farmers and agribusiness across the supply chain, including all of Australia's major agricultural commodity groups. Farmsafe is the association of national and state bodies who are united by a common interest in promoting farm safety.

The NFF's and Farmsafe's position on this issue is unequivocal: we support the adoption of the Standard.

Specifically, we support requirements to:

- Adopt U.S. or E.U. design/manufacturing standards, and minimum stability requirements;
- Conduct stability testing and display labels and tags notifying the user of the bike's stability limits and the risk of rollover risk; and
- Crucially, install operator protection devices on all new bikes, in spite of the well-funded opposition of manufacturers and hobby riders.

We are firmly of the view that adopting the Standard *in its entirety* would save lives and prevent crippling injury. This position is consistent with the views we have held throughout the course of the inquiry and expressed in the submissions which we filed in December 2017 and May 2018. There would be little value in repeating those submissions again now. Suffice it to say that we reaffirm them and implore the Minister to accept them.

We stress, however, that this is not a position we have taken due to any ulterior motive or commercial agenda, but because it's in the best interests of farmers and their families, the agricultural industry

generally, and the nation at large. Indeed, since we filed the last of those submissions in May 2018, we are aware of at least seven more reports of quad bike fatality in rural Australia<sup>1</sup>:

- A 17 year old boy died on a farm in Tenterden, Western Australia, in November 2018.
- A 60 year old man died after a "serious quadbike roll" in Sarina, Queensland, in January 2019.
- A 49 year old man died in a quad bike crash in Merbein, Victoria, in February 2019.
- A 10 year-old girl was killed in quad bike accident on a farm in Wollongong, NSW, in February 2019.
- A 50-year-old livestock agent died after a quad bike crash on a farm near Esperance, Western Australia, in April 2019.
- A 7-year-old boy was killed in Dingup, Western Australia, on April 2019.
- A 9-year-old boy died on a family property in Sandford, Tasmania, April 2019.

These are just the reports which entered into the public arena. There would certainly be a far greater number of serious injuries — including quadriplegia and paraplegia and possibly fatalities — which were not reported. Indeed, as the ACCC states, each year there are over 650 hospitalizations as a result of quad bike accidents and an estimated 6 people per day attend emergency departments.

In total, the ACCC estimates the cost of injuries and death which can be attributed to quad bike incidents to be well in excess of \$200 million per annum.

These tragedies reinforce the desperate need for action on this issue and the urgency with which it should be taken. Adding to that urgency, since May 2018:

- The Queensland District Court found that a quad bike which was being used in accordance with ordinary farm practice was not fit for the purpose of mustering cattle *because* it did not have adequate safety features, including an OPD.
- Coroner Brigitte Windley issued her report into the death of Kaye Blance, who was found beneath an overturned quad bike on a Westport farm in New Zealand
- The NSW Coroner commenced a public enquiry into the quad bike related death of Myley Maxwell in March 2017 at Gwabegar NSW.

Our only reservation with the ACCC's recommendations is that they do not go far enough. While the ACCC's report indicates that the commission "will continue to support the development of a safety star rating system", the report does not go so far as to recommend a system. This is despite the fact that the merits of a '5 star safety rating system' are, at least in principle, accepted by the farming sector, the health and safety community, and (despite publishing a misleading "5 star ATV safety guide") quad bike manufacturers. As such, we urge the government to provide tangible support to its development.

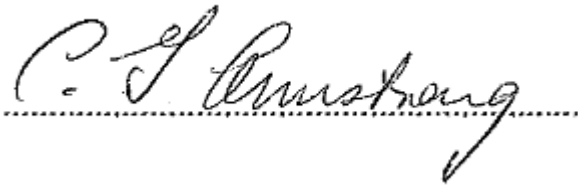
Undoubtedly adopting the Standard is not a perfect and complete solution. More can be done: quad bike operators have to be properly trained, understand the risk of riding quad bikes and take steps to mitigate it, including wearing helmets. And children should **never** be allowed to ride adult bikes. But the fact that more and different things can be done should not discourage the government from adopting the Standard. The perfect cannot be the enemy of the good.

---

<sup>1</sup> In addition to a number of incidents internationally —such as the death of Alice MacKenzie on a farm in in South Otago on 15 May 2019 — where the Minister's response to the ACCC's report is being keenly watched.

With agriculture characterised by Australia's health and safety regulators as one of the most dangerous industries, and quad bikes featuring as a leading cause of death and injury on farms, the NFF and Farmsafe support the Standard and call on the Minister to adopt it. We would welcome the opportunity to discuss these matters or any aspect of our submissions with the minister

Yours sincerely

A handwritten signature in cursive script, reading "C. J. Armstrong", written over a horizontal dashed line.

**CHARLES ARMSTRONG**  
**Chair, National Farmers Federation Workforce Committee**  
**Chair, FarmSafe Australia**