



## Submission: Response to the ACCC Quad bike safety Consultation Regulation Impact Statement (March 2018)

This submission has been prepared by Small to Medium Enterprise Australia with input from stakeholders, motorcycle clubs, peak industry groups and farmers.

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

Dear Director

Small to Medium Enterprise Australia (SMEA) represents the interests of Australian small and medium businesses and has done so for over 12 years. SMEA is a respected national commentator on SME matters whilst delivering a suite of in-house services, from project management through to export and trade promotion. We have maintained offices in New York for five years to help Australian SMEs secure markets in North America and partnered with some of Australia's most significant corporate brands to deliver meaningful outcomes to hard working Australian SMEs. Relevant to this submission:

- We are a major sponsor of Australia's most professional enduro race organisations - Grassroots Enduro.
- SMEA works with a plethora of State and Local government authorities like the CFA, police, roads and transport, ambulance to develop approved risk management plans, for races and events.
- We partnered in 2018 with one of Australia's most respected motor-cycle associations to deliver a national training and education framework.
- We started working closely with State Ministers back in early 2018 to design, build and implement world class off-road technical training facilities for both enduro and quad bike / ATV riders.
- SMEA CEO Dean Logan:
  - Helped secure an emissions framework for all spark driven engines in Australia - compliant with USA EPA 2012 regulations - and worked closely with the Federal Minister for the Environment to secure Ministerial exemptions for Surf Life Saving Australia, Australian Defence Force and Remote / Indigenous use.
  - Represented the interests of international manufacturers and their dealer networks across Australia on a raft of important and often very significant marine / ocean based policy reforms.
  - Was the Executive Director of the Rice Growers Association of Australia (RGA) representing the RGA on:
    - o National Irrigators Council.
    - o NSW Irrigators Council.
    - o Chief negotiator on the Trans-Pacific Partnership Agreement (TPP) for the rice sector.
    - o National Farmers Federation (NFF) committees:
      - Commodity, trade, water, transport and bio-security committees.
      - Business and Commodity Working Groups for new National Representative Framework - Streamline and Strengthen.
      - Appointed the National Chair of the NFF Strengthen & Streamline Implementation Group.
- SMEA also partners with key companies like Cultivate Farms to support and help emerging farmers secure property and farm successfully into the future.
- SMEA has a base in Canberra and has briefed hundreds of policy makers on complex issues.

With all of the above noted, we are at a loss to understand how the narrow minded approach advocated by the Canberra farm lobby and ACCC, that supports the mandatory fitting of Crush Protection Devices (CPDs) on all new quad bikes and ATVs, actually solves the very problem they are seeking to address.

Research shows that the mandatory application of CPDs to new vehicles does not and will not solve the broader safety issue, primarily because doing so potentially makes vehicles for other users more dangerous.

Rather than 'blame' manufacturers we would advise the Canberra farm lobby to take responsibility of the issue, as it relates to their own constituency. The arrogance of the farm lobby to suggest they are the morale arbiter on this matter, simply because they have an 'issue' in their backyard, is nothing short of offensive to thousands of riders.

Lastly, the affect this issue has on hundreds of SMEs throughout regional and rural Australia has been largely neglected by the ACCC and National Farmers Federation (NFF). The ramifications of mandatory legislation to force manufacturers to fit CPDs will no doubt result in hard working dealers closing their doors. It's staggering to think that Canberra policy makers in one breath still fail to take into account the social and economic ramifications of policy decisions and then with another breath, argue for settlement programs for immigrants given skill shortages in remote regional towns. It is breathtakingly poor leadership.

In our view this issue warrants a more sophisticated and less emotive debate, where specific sectors like farming are addressed on their own merit. Thousands of riders ride safely every week and it's unfair to lump them into one category and expect them to pay for a problem that is clearly isolated to a particular sector. The solution resides with better education and training and so the sooner everyone sits down and negotiates a viable and more sensible outcome the better.



“Legislation solves some problems but it will NOT solve this one. The solution to addressing the risk associated with quad bikes and ATVs on-farm, resides with education, training and effective licensing - NOT punitive legislation.”

## Recommendations / Key Statements

### Recommendation

That the ACCC and policy makers accept that the ‘carte blanche’ adoption of mandatory legislation for ALL vehicles disproportionately affects other sectors not aligned to farming. These sectors have never had or experience the same level of risk and injury, as the farming sector, when it comes to quad bikes and ATVs. To therefore ‘lump’ all riders and all activities into one category is an illogical policy argument and a solution that will ultimately fail to address the substantive issue - poor education, training and culture toward quad bikes and ATV safety on-farms.

### Recommendation

That the ACCC acknowledge manufacturers have genuinely sought to implement workable and sensible solutions that increases safety. The following recommendations from manufacturers should therefore be accepted and seen as an opportunity to deal with concerns in a mature and scientific manner:

- a. That consumers be given the choice to add CPDs and associated safety items.
- b. That mandatory education and training - similar to chain saws and fork-lifts - be linked with purchasing and using a quad bike or ATV.
- c. That it be made mandatory for all users / riders to wear helmets.
- d. That children under a certain age should not ride adult sized quad bikes / ATVs.
- e. That seat numbers / seat ratings per vehicle, be respected.

Manufacturers have gone down this road because it also addresses the fact that there are over 180,000 existing quad bikes / ATVs in the market. The imposition of mandatory laws on manufacturers to fit CPDs on all NEW vehicles sold, does absolutely nothing to address the fact that there are hundreds of thousands of quad bikes and ATVs already in the market. It would seem a more commonsense approach to devise solutions that addressed all quad bikes and ATVs, by giving consumers the choice to fit CPDs and associated safety items from an APPROVED RANGE, on both NEW and OLD quad bikes based of course on the intended use. This solution also provides users with the option to inter-change CPDs based on various applications at any given time.

### Recommendation

The Federal Government establish a national working group, with a strong independent chair and robust terms of reference, to ensure that ALL peak industry groups, including the National Farmers Federation (NFF), sit down at the table and through a mature rational and scientific driven process, addresses ALL relevant policy concerns, scientific evidence and international expert opinion - as requested by numerous Coronial Inquests that stopped well short of advocating that mandatory safety measures / engineering solutions for quad bikes be imposed on manufacturers.

Type into Google: ***‘Australian farmer on quad bikes’*** and you see images like the below. The same applies for YouTube. Don’t misinterpret what we are saying. We respect our farmers. But when it comes to quad bikes and ATVs there is a specific ‘farm issue’ around safety and education that needs to be addressed that is not evident with other sectors.

No helmet on the farm!



No helmet on the road!



Children and no helmet!



Children riding adult quad bike!



### **Recommendation**

Acknowledge that the use of quad bikes and ATVs varies so significantly across various sectors that the activity of protecting consumers, through the fitting of secondary items like CPDs and various engineered solutions, actually resides with the consumer. That is, the level and number of safety measures and CPDs fitted to a vehicle should be determined by the consumer / purchaser / rider, in conjunction with their dealer, based on a raft of criteria including such things as risk appetite, functionality, rider skill, education, training and of course intended use.

### **Recommendation**

That the Federal Parliament and ACCC acknowledge that this issue has significant ramifications for small regional towns, hundreds of dealers and clubs across the country. When some dealers derive 50% of their income from quad bikes and ATV sales, any additional legislative burden will force dealers to close. This has a significant knock-on affect to ALL sectors given that mechanic shops will close, parts will be harder to obtain and industry based skills will inevitably leave small and regional towns.

### **Recommendation**

Accept Coronial Inquest recommendations and international scientific research that shows that in numerous instances and across key applications, the fitting of CPDs can actually make the vehicle more dangerous.

### **Recommendation**

That quad bikes and ATVs be treated not dissimilar to scissor lifts, fork-lifts and chain saws and be proscribed as a dangerous item under relevant work health and safety legislation, thereby requiring riders to undertake mandatory education and training to obtain a license to ride / use a quad bike or ATV on a farm.

### **Recommendation**

Acknowledge that the risk associated with farmers hooking up trailers to quad bikes and ATVs laden with spray rigs, hay, and all sorts of heavy farming equipment, disrupts the overall balance of the machine and makes the quad bike or ATV in-essence more dangerous and prone to roll-over especially when ridden on uneven ground.

### **Recommendation**

Accept that the agricultural sector still suffers from a 'cowboy' approach to work place health and safety evidenced by constantly refusing to wear safety equipment like helmets when riding quad bikes and ATVs and allowing children with limited experience to ride adult sized quad bikes.

### **Statement**

That the ACCC as an independent Commonwealth statutory authority comply with it's own charter to:

“...promote competition and fair trading and regulate national infrastructure to make markets work for **everyone.**”

“collecting information from consumers and businesses to help us understand what issues **cause the most harm** to Australian businesses and consumers and **where best** to use our resources” (emphasis added)

SMEA argues that the ACCC is sitting outside of its own charter on this issue for four key reasons:

1. By selectively omitting to respect, let alone even assess, critical peer reviewed scientific evidence and international opinion.
2. By choosing not to address the raft of policy externalities associated with mandatory laws that force manufacturers to fit CPDs. No consideration has been given to the economic ramifications this decision will have on thousands of dealers - some of whom in Queensland derive 50% of their income from quad bikes and ATV sales.
3. They are not regulating in the interests of everyone. They should be focussing a majority of their attention and resources on addressing issues specifically within the farm sector and ensuring other sectors are not adversely impacted by punitive regulation.
4. Providing consumers with the choice of what type of safety devices they fit, based on application and intended use, is in fact regulating in the interests of fair trade and competition.

### **Statement**

The ACCC and NFF need to publicly acknowledge that manufacturers already produce an outstanding product - with world class chassis design, braking systems, ergonomics, in-built safety characteristics, fuel systems, emissions standards, suspension characteristics and warning labels - that is already deemed compliant globally by world-leading jurisdictions and regulators.

### **Statement**

That the mandatory fitting of CPDs to quad bikes and ATVs opens a literal 'pandora's box' on the basis that this issue will now move to a raft of machinery from small commercial lawnmowers, through to mobility scooters.

### **Statement**

That the mandatory fitting of CPDs to quad bikes and ATVs has significant economic and legal ramifications for allied industry sectors who engineer and supply items like spreaders, seeders, sprayers, trailers and associated rear-mounted applications, that are fitted to both quad bikes and ATVs.

A person is working on a motorcycle in a workshop. The person is wearing a red shirt and a cap, and is focused on the task. The workshop is filled with various tools and equipment, and there is a large window in the background. The scene is lit with natural light from the window.

“The economic implications on small businesses throughout regional and rural Australia has been largely neglected by the ACCC and NFF throughout this entire debate.”

## PART 1

### Concerns with the ACCC approach to this issue

We see no point spending considerable time presenting a sophisticated scientific argument when it is clear that the ACCC and NFF have refused to listen to, let alone assess, advice from a vast array of global experts. Consumers, dealers, clubs, riders and industry more broadly are therefore demanding a more fair minded and mature approach to what is a very important issue.

### ACCC processes

Federal Ministers, Senators, cross bench members, committee members and policy makers more broadly, need to be aware that some of the most respected organisations and international experts have resigned from committees, set up specifically to address the very important issue of quad bike safety in Australia. In our view therefore:

- The ACCC has completely misread industry, club, rider and community sentiment in and around this issue.
- The ACCC seems to have adopted *carte blanche* the NFF position on the issue, even though the NFF DOES NOT have the support of a majority of the farming community on it's position.
- The NFF - and by association the ACCC - risk assessment methodology is inherently flawed and does not stand up to independent peer review or expert scrutiny.
- Not only has the ACCC blatantly disregarded the advice of independent experts, they have dismissed a raft of very sensible recommendations handed down by Coronial Inquests across various jurisdictions. As a result, the Federal Chamber of Automotive Industries (FCAI) have concluded that the ACCC is in fact 'experimenting with the public'. Again this is completely unacceptable in our view.

### Why have experts and professional bodies resigned from key committees?

Safe Work Australia and state WHS agencies formed an Interdepartmental Committee (IDC) to 'consider the development of a quad bike safety rating system', and IDC members were to provide input into the ACCC Consultation RIS. The IDC subsequently established a Technical Review Group (TRG) to provide technical advice, and 'evaluate the appropriateness' of the Australian Terrain Vehicle Assessment Program (ATVAP). The history of this process is as follows:

- Peak bodies like the FCAI were a member of the TRG, but resigned from this group in protest at the lack of engineering evaluation or critical review of ATVAP that was permitted during its meetings.
- A US engineer with arguably the most substantial ATV knowledge and experience of any member of the TRG also quit the group for the same reasons, but also because he did not want his company to be associated with any process that had a pre-determined outcome.
- The IDC made it clear it did not want critical review of ATVAP, instead its objective is to see ATVAP approved 'as is', without the need of evidence to support its engineering validity or its safety efficacy.
- At least one of the WHS agencies that make up the IDC was also a funder of the project which developed ATVAP, so they too have a vested interest to see it approved, irrespective of the actual evidence.

## The ACCC has reneged on their own stated objectives

When the ACCC released its “Issues Paper on Quad Bike Safety”, the accompanying instructions to stakeholders stated:

*We (The ACCC) have prepared this Issues Paper to provide stakeholders with an opportunity for input into the processes aimed at addressing the safety hazards posed by quad bikes. It seeks to:*

- *confirm that the main safety issues have been identified*
- *set out a full range of regulatory options for consideration*
- *obtain cost estimates from businesses to inform the cost-benefit analysis of regulatory options, including a mandated safety rating system for quad bikes*
- ***ensure that all stakeholder perspectives and issues have been considered before further developing regulatory options(emphasis added).***

Why has the ACCC NOT taken into account or considered the perspectives and concerns of ALL stakeholders - some of whom are highly respected bodies and international safety, engineering and design experts - prior to developing or proposing regulatory options?

Why has the ACCC NOT taken into account the negative ramifications of regulatory options on all relevant stakeholders across adjacent industry groups, machinery and engineering companies, dealers and of course state and local based peak riding groups and clubs?

Why has the ACCC NOT taken into account the negative economic, social and skills ramifications of regulatory options on rural and regional Australia especially the likelihood that many dealers will be forced to close if punitive laws forcing manufacturers to fit CPDs are implemented?

“Why will the NFF not provide consumers with the option to choose between safety devices, upon purchase, whilst at the same time supporting a national approach to education, training and licensing? That there is the fundamental question.”



We love farmers and respect the sector immensely. We work with farmers on a daily basis to access land and design events.

But what is wrong with this image?

Yet again the farmer is not wearing a helmet on what is a very powerful machine. Laying the blame at the foot of manufacturers and other users therefore is just plain wrong.

Ref: <https://www.abc.net.au/radionational/programs/back-groundbriefing/2015-04-05/6359984>



## PART 2

### How does the approach of the ACCC and NFF apply to consumer rights and overall competition policy?

SMEA approached the NFF with a range of very plausible solutions to this issue, that support both high level safety outcomes for farmers and the right consumers have to choose what they purchase and how they determine safety based on their own circumstances. Before highlighting the NFF's response, allow us to place this issue into context.

Currently consumers can purchase a brand new KTM 300 EXC TPI for around 14,000. The bike can be used for: professional enduro races; it can be registered for road use, or; Dad can use it to simply ride trails on the weekend with his mates and son. Dad can ask the dealer to 'spec the bike' prior to taking delivery. He can ask the dealer to fit 'after market' accessories and a range of safety parts / items based on: specific tastes, intended usage, terrain (mountains, single trail or beach riding), rider skill, level of competition or, Dad's appetite for risk.

For example, Dad can add to his brand new purchase:

- Bash plates - to protect the frame and engine.
- Exhaust shroud - to protect the exhaust chamber (2-stroke bike) and prevent being burnt on the exhaust.
- Larger and wider foot pegs - for added stability and safety.
- Front and rear hand grippers - so helpers on track can pull the bike easily off him if he falls.
- Hand grip protectors - metal bars to protect hands from being crushed.
- Bark busters - to protect the hands and fingers from being broken from tree branches.

When the NFF was asked by SMEA if they would accept a similar scenario for quad bikes and ATVs their response was disappointing. The suggestion we put forward was very simple: allow manufacturers and their dealers to provide a significant amount of accredited safety items - roll-over protection devices, crush protection devices etc - that could be chosen and fitted upon request, by the purchaser, based on a plethora of on-farm criteria. This would enable the consumer to fit items based on fit-for-purpose in conjunction with the dealer and allow the rider / purchaser to inter-change safety items into the future at any given time based on the intended use. The NFF response was "... no the NFF would not support the idea and will stop at nothing less than full mandatory legislation that forces manufacturers to fit CPDs. Manufacturers will lose this debate!"



Quad bike racers and for that matter all riders of motorcycles, individually spend thousands of dollars on safety equipment.

They take ownership of both personal safety and bike safety and would never lay the blame at the feet of manufacturers.

[Ref: http://motorcyclist.asn.au/](http://motorcyclist.asn.au/)

Protective riding gear is split into a raft of categories from juniors through to men and women. Hundreds of millions of dollars is spent each year by riders to reduce injury. They don't blame manufacturers, but rather take responsibility for their own actions and work with dealers to buy specific equipment based on their own skill level and intended riding use.

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Manufacturers deliver a suite of quality bikes that enable the consumer to 'over-spec' based on experience and intended use. Consumers don't add these parts to increase performance, but rather increase SAFETY. Hence they add all sorts of items from oversized foot pegs through to gripper seats and exhaust guards.

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## Questions - competition policy and choice

- Why is it deemed feasible, let alone legally viable, to mandate what consumers will and will not have fitted to a brand new quad bike in terms of safety, when the use of quad bikes and ATVs vary so dramatically across various industry sectors?
- If this approach is deemed a viable policy and legal argument, then shouldn't the same rationale also apply to ALL motorcycles where serious injury or death has occurred? For instance road bikes and dirt bikes?
- What about serious accidents on skate boards and scooters? Should the same rationale argued by the NFF and ACCC not also apply given that Monash University's Injury Research Institute analysed Victorian hospital data and found admissions for skateboard-related injuries had jumped 180 per cent and scooter-related hospitalisations leapt 270 per cent?<sup>1</sup>
- What about CPDs for cyclists given statistics showing cyclist deaths increased by 80% in 2018 and road trauma currently costs the national economy more than \$29bn.<sup>2</sup>
- What about the concerns with show jumping and the crush potential of horses when a horse falls on a rider? If the same logic applies, then would the NFF not also consider the mandatory fitting of CPDs to saddles for horse riders?

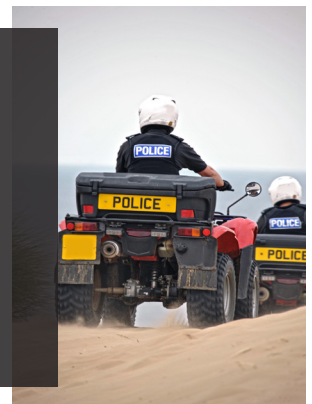
**“Would it not be better again to explore mandatory training, education and licensing thereby providing ALL consumers, via their dealer, the opportunity to learn about, research and ultimately fit CPDs and additional safety items to old quad bikes and ATVs as well as new?”**

We accept that fitting CPDs to saddles is a silly argument, but so too is the mandatory fitting of CPDs to race designed quad bikes. Forcing manufacturers to fit a plethora of mandatory safety devices to brand new quad bikes with absolutely no knowledge of it's intended use, is simply a stupid proposition. Why will the NFF not provide consumers with the option to chose between safety devices, upon purchase, whilst at the same time supporting a national approach to education, training and licensing? That there is the fundamental question.

### Is this just not a serious over reach?

Quad bikes and ATVs are designed and sold as a specific item for a broad variety of intended roles - for example dairy farming is distinctly different to rounding up stock across millions of acres in central Australia. Manufacturers therefore design various models to provide consumers with choice based on application and use. Attempting to codify what safety measures are deemed 'mandatory' or 'appropriate' for ALL users - as proscribed by the NFF - across all quad bikes and ATVs regardless of size, design and horsepower, has to be therefore considered illogical and taking the issue of risk mitigation way too far. Some would call this 'nanny state policy making'.

“In many instances the mandatory application of CPDs provides no operational benefit to either the emergency services or the military. In fact across various roles the CPDs could prove to be a significant hindrance 'in-field.'”



<sup>1</sup> <https://www.begadistrictnews.com.au/story/4801618/it-is-chilling-moment-teen-catapulted-headfirst-into-concrete/>

<sup>2</sup> <https://www.sbs.com.au/cyclingcentral/article/2018/08/08/cyclist-deaths-australian-roads-80-cent>

## PART 3

### **Competition policy, choice and vegetable farmers**

Anecdotal evidence and conversations with farmers suggest that the likes of vegetable farmers, if forced to buy quad bikes with mandatory CPDs fitted, will simply grab a nine-inch angle grinder and cut the CPD off the bike frame as soon as they got it in the shed from the dealer, on the basis that:

- a. The CPD is completely not necessary and provides no benefit, and;
- b. The CPD poses more risk to users having it fitted, than having it removed.

### **Competition policy, safety and vineyards**

Quad bikes are used extensively by vineyards and yet again they choose in most instances not to have CPDs fitted, arguing doing so inhibits work and reduces productivity at key moments throughout the season.

### **Competition policy safety and fishermen**

Commercial fishermen use quad bikes and again many choose not to have CPDs fitted on the grounds they are deemed a nuisance to every day work practices. Fishermen deem the CPD cage and additional roll-over protection as a serious danger, on the basis that the frame is more likely to catch on ropes, fishing line and fishing nets exposing fishermen to unnecessary risk. Fishermen we have spoken to said they would simply cut the CPD off.

### **Competition policy safety and emergency Services**

A raft of emergency service agencies use quad bikes and ATVs on a daily basis often in harsh, remote and dangerous conditions. If the NFF and ACCC have their way, they too will be forced to purchase vehicles with mandatory CPDs even though they don't want them fitted. We accept that Federal Ministerial exemptions could be secured for the defence sector, but it's not the point. Having a situation where you effectively have an 'use v them' scenario makes no sense for both consumers and manufacturers, who now have to cater for vast policy and legislative discrepancies. Isn't the more logical solution to give the police and military an exceptional range of base models to choose from and then ask them what CPDs and safety items they would like fitted by their dealer, if any, based on the intended use? Why could this same solution not also apply for all consumers?

### **Competition policy, safety and quad bike racing**

Quad bikes are currently used for racing purposes. Imposing CPDs on these race vehicles is arguably one of the most ridiculous propositions ever suggested. Doing so will destroy that market overnight and yet again shows how the ACCC and NFF position is a significant over-reach in terms of risk, policy and commonsense.

### **Competition policy, safety and sporting events**

Attend any major sporting event and you'll most likely see a quad bike enter the arena. The most recent scenario we experienced was the Brumbies v South African Bulls at Canberra stadium. Drinks for players were carted onto the field via a quad bike. If the NFF have their way, all quad bikes on all sporting grounds will need to ensure their quad bikes have full CPDs for literally no safety benefit.

### **Competition policy, safety and stretchers**

Will motorised stretchers at national sporting events like the AFL need to have full roll cages or CPDs fitted, on the basis that they enter and exit often via a declining ramp? Would not full CPDs inhibit medical staff transferring patients? Where does the argument stop and when does commonsense prevail?

## **Competition policy, safety and mobility scooters**

Will the NFF's position for mandatory CPDs also apply to mobility scooters given that they are often ridden on uneven ground throughout suburbia?

### **180,000 existing quad bikes**

Manufacturers have, in an endeavor to find a workable and sensible outcome that increases safety, asked:

- a. That consumers be given the choice to add safety items;
- b. That mandatory education and training be linked with purchasing and using a quad bike or ATV;
- c. That it be made mandatory for all users / riders to wear helmets;
- d. That children under a certain age should not ride adult sized quad bikes / ATVs.
- e. That seat numbers be respected.

Manufacturers have gone down this road because it also addresses many of the concerns with existing stock in the market. The imposition of mandatory laws on manufacturers to fit CPDs on ALL NEW vehicles sold, does absolutely nothing to address the fact that there are hundreds of thousands of quad bikes and ATVs already in the market. If as suggested, international manufacturers leave Australia, then the ACCC and NFF have effectively achieved absolutely nothing to improve overall safety. Would it not be better again to explore mandatory training, education and licensing thereby providing ALL consumers, via their dealer, the opportunity to learn about, research and ultimately fit CPDs and additional safety items to old quad bikes and ATVs as well as new?

### **Impact on Regional and Rural Australia and SMEs more broadly**

Policy makers need to understand that manufacturers through a national dealer network support a raft of sectors from enduro, trials, motocross, road, adventure, PwC, marine, outboard engine, boating and light marine sectors. They don't just sell quad bikes! Dealers employ thousands of staff often in regional and remote Australia and support local football teams, regional clubs, and small and medium businesses who supply and manufacture parts and accessories sold by dealers every day. To suggest this issue alone has no flow-on affect to these businesses, is just plain wrong. You cannot remove a significant division within a dealers business and expect that business to stay committed, let alone financially viable. Some dealerships in Queensland for example derive over 50% of total sales revenue from quad bikes and ATVs and will be forced to close if mandatory regulations are imposed.

### **International Comparisons**

Australia by any international comparison is a very small market. Similar to the design and implementation of emission regulations for all spark driven engines in Australia - which the same manufacturers fighting this issue worked very well on with the current Federal Government - manufacturers cannot be asked to slow down or retrofit manufacturing facilities to produce a small amount of product specifically for the Australian market. It's simply not feasible.

With regard to emissions, manufacturers worked with the current Federal Government to design a framework compliant with USA EPA 2012 regulations. The USA bar was high and yet it led to a commonsense and mature debate. The exact same outcome can be achieved in this instance with quad bikes and ATVs by simply giving the consumer the right to choose what safety items they would like fitted, rather than force manufacturers to deliver an engineered outcome that is not supported by consumers or more importantly, supported by peer reviewed science. In essence, enacting mandatory legislation for CPDs, that is inconsistent with any other international jurisdiction, makes no sense. Moreover, 'spitting the dummy' - as the NFF have done - by supporting the exit of international manufacturers from the Australian market (who funnily enough also produce your family car) has been viewed by many as childish and not helpful.

### **Elephant in the room - The cultural element of safety, education and risk resides with ownership, not blame**

In the late 1980's there was a significant shift toward increased personal and workplace safety across various sectors including of course mining, building and construction. Initially employees rebelled against the new rules stipulated by employers. Mandatory hard-hats were frowned upon and simple things like high visibility vests and plastic caps on exposed reinforcement bars on site, were deemed silly by many trades. Today personal safety in these sectors has come a long way. Tradesmen now wear high visibility vests and jumpers with pride highlighting to the world that they 'work for a living' as opposed to sitting behind a desk all day.

As already noted riders of all persuasions have similarly embraced risk, education, training, research and safety, to the tune of hundreds of millions of dollars a year. Riders of all ages spend a significant amount of money on personal safety equipment to ride motorcycles and teach their children early to respect the power motorcycles have. They DO NOT blame manufacturers for accidents - rather they own the issue of safety. They relish the idea of being able to 'over-spec' a bike with additional safety features and enjoy working with their dealer to research equipment that makes riding safer and more enjoyable.

Make no mistake accidents are tragic and many of us have been privy to loved ones being injured or killed as a result of an accident. But when it comes to safety it's fair to say the farming community in isolated areas, have not kept pace. The evidence from Coronial Inquests - as late as last week where a Coronial Inquest concluded that a 16 year was killed in NSW on a quad bike on a farm, because they were not wearing a helmet - allude to this.

What is our point? The NFF, rather than blame manufacturers for the problem, should be working with manufacturers to educate their own constituency on the benefits of taking risk and safety on-farm, more seriously. Children on farms under a certain age, SHOULD NOT be riding powerful adult sized quad bikes - end of story. Farmers SHOULD be wearing helmets at all times - end of story. More advanced education and licensing NEEDS to be made mandatory - end of story.

### **Flexibility and choice is the key**

The concept of allowing consumers to choose the level of safety they are looking for already exists. Extending this to quad bikes and ATVs therefore isn't a foreign concept. Moreover, a simple Google search of quad bike training in Australia brings up a plethora of accredited organisations delivering quad bike and ATV safety training courses.



“A number of sectors within agriculture don't require CPDs fitted to quad bikes - so why force them to have roll-cages via legislation when the science indicates it could make the bike more dangerous?”

By giving farmers a choice between a range of approved CPD options, prior to taking ownership of a quad bike or ATV, means they have the option to 'spec a quad bike or ATV' by adding additional safety devices based on the desired use of the vehicle. Moreover, they can inter-change safety items at any given time into the future. For example, if they intend to spray weeds on elevated and undulating hill ground then a roll-over cage would be an ideal solution, so head into the shed and fit one. If on the other hand they are rounding sheep and want to carry their dogs across paddocks, then the roll-over cage would be a nuisance and easily removed for potentially a simply 'U-Bar' on the rear of the bike.

### Summary

It's simply disingenuous to ask manufacturers to accept mandatory CPDs for all quad bikes and ATVs. Riding groups don't blame the likes of Shimano or Trek when a cyclist is hit by a car on the road. The likes of Yamaha and Honda should therefore not be blamed when they produce arguably the most advanced designed product in history, that just happens to be involved in an accident that was not their fault.

The solution in our view resides largely with increased education and training and the responsibility the farm sector has to 'own the issue'. Legislation solves many problems but it will not solve this one. We appreciate far too many people are injured or killed due to quad bike and ATV accidents. It is however quite remiss of key policy makers to disregard the findings from various Coronial Inquests. These same inquests have specifically moved away from recommending OPDs be made mandatory on ALL new vehicles, arguing that the science tells us that in some instances doing so makes the vehicle more dangerous for other users and applications.

The NFFs refusal to sit at the table in an endeavor to seek a common-sense outcome that delivers a more substantial outcome, is disappointing. Whether the NFF like it or not, the solution resides with them working with industry and regulators to assess ALL research and act in the interest of the consumer via a science driven process.

Whilst some would like this issue to be pigeon-holed to just quad bikes and farming, it cannot be. This debate has significant and wide-spread ramifications for all riders and clubs across all forms of riding. Those not involved with farming should therefore not be labelled as being linked to the problem or be made pay for what often and unnecessarily occurs only in farming. As noted, thousands of riders ride each week without concern. This issue is not their fault. Rather than seek to control and somewhat hijack the broader debate, perhaps the NFF should be asked to take a deep breath and sit back at the table to explore better options and a more substantive outcome. As noted previously, this is a very serious issue that warrants a much more sophisticated and mature approach and so on that note, we look forward to working with manufacturers, dealers, clubs, riders, ACCC and the NFF, to find meaningful solutions.



“The role dealers have in educating consumers on safety, has been completely neglected by the ACCC and NFF. With a more commonsense approach dealers would address the fitting of a range of CPDs, on both new and pre-owned quad bikes and ATVs, based on the industry sector and intended application.”





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