

Quad Bike Safety Standard Exposure Draft

1. About you:

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2. Provide your views on the exposure draft 'Consumer Goods (Quad Bikes) Safety Standard 2019' in your submission below

The paediatric trauma clinicians and injury prevention practitioners of the Sydney Children's Hospitals Network believe that the draft Consumer Goods (Quad Bikes) Safety Standard (2019) addresses the key product safety concerns related to quad bikes and will have a positive impact on fatalities and injuries from adult size quad bikes.

However we remain concerned that the exclusion of youth sized quad bikes from the safety standard requirements is likely to leave children and young people at risk. While we appreciate there is a lack of evidence to support the inclusion of child and youth size quad bikes in the safety standard, we reiterate that that child and youth size quad bikes can weigh up to 120kg, which is a significant weight when applied to a child's body, with or without motion related force, in the event of a roll-over.

3. Provide comments on the role State Governments should play, including enforcing the wearing of helmets and safety gear and making it illegal for children to ride adult quad bikes in other than supervised sporting events.

As paediatric trauma clinicians and injury prevention practitioners working within the Sydney Children's Hospitals Network, we believe that children and young people under 16 years of age should be legislatively prevented from driving a quad bike of any size or capacity.

As noted in our submission to the Quad Bike Safety Consultation Regulatory Impact Statement, children under 10 years of age are not developmentally ready to drive quad bikes, while young people 11 - 16 years of age are still developing the physiological, psychological and cognitive skills required to use them safely¹. The brains of children and young people are not fully developed and mature until about 25 years of age, which contributes to impulsive and unpredictable behaviours, inability to assess risk and a timely, rationed response and a lack of self-regulation, particularly in adolescents.

We believe that State Governments have both a significant role to play and a range of enforcement approaches that could be proactively implemented to support the prohibition of children using quad bikes and/ or the use of protective gear such as helmets.

We acknowledge that there are inherent difficulties in enforcing prohibition of children less than 16 years of age from using quad bikes, but we encourage State Governments to consider options by which enforcement could be implemented.

¹ <https://www.hqsc.govt.nz/our-programmes/mrc/cymrc/publications-and-resources/publication/2326/>

A recent NSW coronial inquest² made a number of recommendations directed to the NSW Attorney General's Department that they consider introducing legislation

- creating a criminal offence for adults who allow children under the age of 16 to ride adult-sized quad bikes
- creating a criminal offence for adults who allow children under the age of 16 to ride any quad bike without a helmet
- to allow police to enter private property to investigate the above offences, where there is a reasonable suspicion that an offence has been committed
- requiring mandatory licensing of all persons using adult sized quad bikes (ie all persons over the age of 16)

We believe that these recommendations, if enacted, would begin to address some of the enforcement difficulties. Implementation should always be accompanied by public awareness campaigns that raise awareness of the issues and why legislation has been introduced.

In NSW, SafeWork NSW has undertaken actions to promote quad bike safety through the Quad Bike Safety Industry Advisory Group, targeted media awareness campaigns, training and rebates for the agricultural sector to add rollover protection to existing quad bikes or to swap to a safer type of vehicle and / or purchase protective equipment such as a helmet. While this is primarily targeted to the agricultural sector, and does not directly address the issue of children on quad bikes, increasing the fleet of 'safer' types of vehicle in this sector contributes to a reduction in exposure for children in that environment.

² Coroners Court of New South Wales: Inquest into the death of Myley Maxwell 30th May (2019). <http://www.coroners.justice.nsw.gov.au/Documents/Findings%20Myley%20Maxwell%20Final.pdf>