

6 June 2019

Mandatory safety standards

Yamaha Motor Australia's second submission to address ATV safety proposals

Summary statement

Yamaha Motor Australia (YMA) submitted a response to the ACCC proposals regarding ATV safety on 8 May 2018. YMA would now like to submit additional information to support the case against mandatory OPD fitment and arbitrary lateral stability requirement.

YMA supports many of the ACCC proposals aimed at addressing ATV safety. But we do not support two of the most recent proposals – the fitment of OPDs and the arbitrary lateral stability requirement. We believe the science the ACCC has relied on is flawed, and its conclusions incorrect.

YMA will not fit OPDs and will therefore be forced to exit the utility ATV business if these proposals become law.

The ACCC has not considered the societal impacts of the proposed changes, which will be far reaching.

Background

Yamaha Motor Corporation (YMC) has been manufacturing ATVs for the global market since 1980. We have always focused on making the safest vehicles possible, which includes researching rollover protection systems. YMC has concluded that these devices create more risk of injury and should not be fitted to ATVs. ATVs are designed to be ridden using an active riding technique involving balance of bodyweight and OPD systems can interfere with this.

OPDs

The key reasons why YMA and YMC against mandatory OPD fitment:

- Peer reviewed and published simulation studies show that OPDs can cause more injuries. Overall there is no safety improvement
- Evidence presented to the UK Health and Safety Executive has resulted in that body rejecting OPDs
- The findings of three coronial inquests where after listening to expert evidence, none of the coroners recommended OPDs. Two of the coroners recommended real world data be collected in order to determine if OPDs are beneficial or not, and one coroner simply determined not to recommend OPDs based on the outcomes of rollover evidence presented at the inquest
- A Quad Bike User Survey by UNSW where riders who fitted OPDs recorded the same level of injury outcomes as those ATV riders who had not fitted OPDs. This real-world survey shows there is no safety benefit, and it supports the findings of the simulation studies
- A UNSW survey of Workplace Fleet Managers also reported:
 - That riders were more likely to be injured in a rollover when their ATV was fitted with an OPD than without (50% were injured with an OPD whereas only 30% without)
 - For more serious injuries where a rider attended a hospital or was admitted to one - 50% of those rollovers with an OPD resulted in a hospital visit, but only 21% without an

OPD resulted in a hospital visit

- The fact that the majority of crush and asphyxiation fatalities in rollovers occur when the ATV's final resting position is on its side (UNSW TARS study 2015). OPDs by their very nature and design will encourage more rollovers to end up on their side
- There is currently no safety standard for OPD devices
- The unknown involvement of OPDs in ATV crashes where riders have been seriously injured or died. This information is not publicly available, and so users remain in the dark about the actual levels of injuries related to OPD use
- In addition, we believe that the fitment of OPDs raise the centre of gravity of an ATV and allow snagging in branches which both increase the likelihood of rollover. And OPDs can limit the ability of a rider to jump clear of a rollover situation

We are unsure how the ACCC has formed the conclusion that there will be a 30% safety improvement if OPDs are fitted.

Static lateral stability

A civil engineer chosen by the ACCC to review their proposed measures did not find any supporting evidence showing an improved safety outcome related to lateral stability. We suggest that's because ATV rollovers only occur when the unit is moving and where other factors are at play. Factors like the ability of the rider. We believe a nominally laterally unstable ATV ridden by a trained and experienced rider will be safer than a supposedly laterally more stable ATV ridden by a novice.

More issues to consider

- 1) If the ACCC proposals become law YMA believes the following user behaviours will occur:
 - Many owners will remove the device
 - Many users will believe that the vehicles are now safer to ride, resulting in:
 - Less riders taking up helmet protection
 - Less riders believing they need ATV rider training
 - More children on adult sized ATVs (*because* they have an OPD)

We believe this will lead to increased injury. OPDs will not prevent riders from crashing ATVs. On the other hand, it is known that helmets save lives.

- 2) YMA has a long record of investing in behavioural safety initiatives. From engaging popular safety ambassadors, to sponsoring free rider training, to inventing a new helmet specifically for Australian farmers. If OPDs become mandatory and YMA is forced to exit the business, given all competition has been artificially removed, the market will likely be filled with lesser manufacturers willing to risk fitting OPDs in the interests of quick profit. These manufacturers have never shown any interest in promoting safety the way the key existing brands have, and it's unlikely they will start now.
- 3) Three recent coronial inquests made very similar recommendations:
 - a. Choose a vehicle that is fit for purpose – for the task and the rider
 - b. Wear a helmet – the most effective safety device
 - c. Rider training – will allow you to fully understand both the ATV's features and its limitations
 - d. Don't allow passengers on single seat ATVs, and no kids under 16 on adult size ATVs
 - e. Follow the manufacturer's guidance and warnings

No state government has followed up on these known safety practices.

- 4) Based on the evidence from coronial inquests, the introduction of these measures

would see a 50% improvement in ATV related deaths. YMA has always recommended and promoted these known safety factors.

- 5) In addition, customer feedback on social media and via submissions is overwhelmingly in favour of rejecting OPDs. Many, if not all, of this feedback is from experienced riders who understand real world riding, rather than theoretical simulations.

Societal impact

Many rural YMA dealers rely on ATV business and these dealers will become unviable. This will mean that farmers will not only be unable to have their ATVs serviced, but also their AG bikes, side-by-side vehicles and more. The safety of all these vehicles will be compromised.

It also means farming communities will lose a pillar of their community at a time when retaining business in rural and regional areas is challenging.

Summary

In summary, YMA firmly believes that proposed engineering changes will do nothing to address the problem of ATV injury. It will destroy rural businesses and it will clear the field for conscience-free manufacturers to increase sales.

Improving rider behaviour, however, will save lives. All efforts and resources should therefore be directed in that area.

Our priority as a manufacturer is to provide safe and reliable products for users who employ common sense and good judgment in conjunction with product instructions and warnings. User safety is paramount across our product range around the globe and YMA uses best practices on a universally consistent basis to achieve safe outcomes for our customers.

We feel it is unreasonable and potentially unsafe for users to operate vehicles subject to unproven and untested devices that may adversely influence product safety and increase operator risk.

YMA is not able to support the proposed changes and if they become law must withdraw from the ATV industry.