

Mr Davin Phillips
Director
Quad Bikes Taskforce
Consumer Product Safety Branch
Australian Competition & Consumer Commission
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3 May 2018

Dear Mr Phillips,

Submission into *Quad Bike Safety: Consultation Regulation Impact Statement*

On behalf of the Australasian Injury Prevention Network (AIPN), please note the following responses to the questions posed in the *Quad bike safety: Consultation Regulation Impact Statement*.

1. *The ACCC has proposed five options. Which is your preferred option and why do you prefer it to the others?*

Preferred option is **Option 5**. This option offers the greatest net benefits, and importantly seeks to comprehensively address the identified risks associated with quad bike usage. A multifaceted approach to reduce the incidence and severity of quad bike-related injuries is supported. Given injuries of this type include death and long-term disability, investments in safety improvements are likely to be mitigated by reduced costs absorbed by the community through the health care sector, long-term care costs, loss of paid productivity and loss of quality of life.

By comparison:

- Option 1 – is not realistically viable and indeed, irresponsible, given the identified fatality and long-term injury burden in Australia.
- Option 2 – will only have a small effect on overall safety of quad bike usage. Adopting US Standards and adding additional warning labels alone will not address the risks quad bikes, as currently designed, impose on the user. The safety star rating system will at least allow consumers to make a better-informed choice and raise their awareness of safety features and potential risks.
- Option 3 – would be reasonably expected to reduce the number and severity of injuries (including deaths) related to rollover incidents due to the mandatory operator protection device (OPD). This option is supported, but does not address the causes of rollover incidents so would need to be part of a more comprehensive strategy.

- Option 4 – as with Option 3, is supported but not in isolation. Unless the engineering modifications were able to completely eliminate the chance of a rollover incident (unlikely), the vehicle should be fitted with an OPD.

2. If you are a quad bike manufacturer, importer or retailer what impact will these options have on your business? For example, how much will it cost to implement each of the requirements, (design changes and testing), and what is the likely effect on sales and the model range?

Not applicable.

3. If you are a quad bike user what would be the impact of the proposed options?

Not applicable. Although as the peak body advocating for injury prevention and safety promotion in Australia and New Zealand, the AIPN believes that Option 5 is in the best interests of quad bike users and the wider community.

4. What effect will each of the proposed options have in saving lives and reducing deaths?

- Option 1 would have no impact.
- Option 2 would have a small effect, predominately by increasing user awareness of risks and encouraging manufacturers to design safer quad bikes.
- Option 3 would have an effect of reducing the number and severity of roll-over injuries, while not addressing the number of roll-over incidents.
- Option 4 would have an effect on reducing incidents and associated injuries (including deaths) due to the improved design requirements.
- Option 5 will have the greatest effect on reducing deaths, long-term and short-term injuries.

5. The US Standard requires a number of general warning labels to be affixed to the quad bike. The ACCC is proposing additional labels and information in the owners' manual, alerting the operator to the risk of rollovers and differential selection. Provide comment on these two additional labels (see section 8.6)

The two additional labels as proposed are supported as simple, low-cost awareness raising methods. However, in isolation it is unreasonable to expect additional labels to significantly reduce the incidence and severity of injuries sustained from quad bike usage.

Adding additional information to the owner's manual about risks of rollovers and differential selection would likely have limited – if any – impact on reducing injury events, as it is unlikely to be read and applied. However, a more useful inclusion may be a short summary of key safety issues (e.g. use of helmets, restrict use by children, etc). This should be considered as part of a comprehensive safety plan and not an isolated issue.

6. Provide comment on the current model of the safety star rating system (see Attachment A).

The AIPN welcomes a safety star rating system as a mechanism to encourage manufacturers to improve the design and safety features of quad bikes, provide consumers with additional and easy-to-understand

information on safety when selecting a quad bike, and general awareness-raising of safety features in this industry.

The safety star rating should be calibrated as such that existing quad bike designs which have been associated with rollovers and injuries (especially fatal and long-term) are identified as unsafe and on the very-low end of the rating system. Capacity should be built into the rating system that encourages further safety improvements over time, rather than simply giving the 'safest' existing model 5 stars.

Manufacturers (noting potential conflicts of interest), testers, independent engineers and experienced users are probably best-placed to provide specific commentary on the appropriate components of the testing criteria.

7. In Option 3, the ACCC has suggested some safety and operational criteria that an Operator Protection Device (OPD), designed to protect the operator in the event of a rollover, could meet. What are your views on the proposed criterion an OPD may be required to meet? Should additional criteria be imposed?

Not applicable. Not qualified to comment on OPD design standards.

8. Provide comment on the minimum performance criteria (see Attachment D) and the requirement for general-use model quad bikes to be able to have all wheels of the vehicle be able to rotate at different speeds, referred to in Option 4.

Not applicable. Not qualified to comment on performance criteria and specific engineering design of wheels being able to rotate at different speeds.

9. Options 3, 4 and 5 do not propose additional design solutions for SSVs and sport and youth quad bikes. If your view is that one or more of these vehicles should be subject to additional design solutions to improve safety, do you have information and data you can provide to the ACCC in support of this view?

The AIPN published a Quad Bike Position Paper in 2016 (see: [hyperlink](#)) that recommends banning children under the age of 16 from riding quad bikes of any size. With 2-3 children under the age of 16 killed annually as a result of quad bike-related incidents in Australia, the AIPN does not endorse children riding quad bikes, including those categorised as "youth quad bikes".

However, should this recommended ban not be implemented, it stands to reason that all appropriate measures should be taken to maximise the safety of quad bikes, irrespective of the age of the user.

10. Provide comment on the transition period for the proposed options (see Section 8.7).

The phased transition period is supported.

11. Provide any additional information or data that you think may be useful to informing the ACCC's recommendation to the minister.

No further comment.

The AIPN's position regarding Quad Bike Safety aligns with the recommendations made by several Coronial Reports into fatalities arising from quad bike incidents.

Thank you for the opportunity to provide feedback on the *Quad bike safety: Consultation Regulation Impact Statement*.

Sincerely,



Professor Rebecca Ivers
President
Australasian Injury Prevention Network