

## **Inquest into nine deaths caused by quad bike accidents**

Deputy State Coroner John Lock convened coronial inquests into nine deaths caused by quad bike accidents between 2012 and 2014, they were: a 40 year old man, 9 year old boy, an 11 year old girl, an 11 year old boy, Mr Reginald Hasted Beauchamp, Mr Guss Robert Haken, Ms Zoe Louise McInnes, Mr Gregory Peter Hoare and Mr Geoffrey Grahame Moore

The inquest was held in two phases: the first phase established the circumstances of each death and phase two explored ways to prevent deaths occurring in similar circumstances in the future.

Deputy State Coroner John Lock delivered his findings of phase two of the inquest on 3 August 2015.

The Queensland Government responds to recommendations directed to government agencies at inquests by informing the community if a recommendation will be implemented or the reason why a recommendation is not supported.

The departments named in this response will provide implementation updates until the recommendation is delivered. Further information relating the implementation of recommendations can be obtained from the responsible minister named in the response.

### **Recommendation 1**

Safe Work Australia, the Federal Chamber of Automotive Industries, and the Australian Quad Distributors Association work with AgriFood Skills Australia to develop an improved and standardised quad bike and side by side vehicle nationally accredited training package.

It is suggested that the starting point would be to adopt the 'off the shelf' Speciality Vehicle Institute of America's training packages already in existence, with additional components that focus on particular work environments in Australia.

### **On 22 February 2016 the Queensland Government responded:**

The Queensland Government supports a review of nationally recognised training packages for quad bikes (AHCMOM212A Operate quad bikes) and side by side vehicles (AHCMOM211A Operate side by side utility vehicles) to ensure standardised training provides operators with a better understanding of the limitations and capabilities of quad bikes.

The Queensland Government will work with the farming community, training providers, dealer networks (through the Federal Chamber of Automotive Industries) to promote and encourage rider-training.

The government notes that the development of standard training needs to include consideration of more limited standards of training for casual users as identified in response to the coroner's recommendation 2b.

### **Recommendation 2**

Once an improved nationally accredited quad bike training package is developed, the Queensland Government:

- a. introduce legislation to mandate the completion of the nationally accredited training by all quad bike riders and side by side vehicle drivers, through a certification or licensing scheme
- b. the scheme should investigate whether it is appropriate to provide some more limited standard of training for casual users, for example, in quad bike tourism operations operating in a controlled environment
- c. subsidise the training, including subsidising registered training organisations, to provide the training to remote areas in Queensland to decrease participation barriers
- d. launch an ongoing public awareness campaign about the importance of quad bike and side by side vehicle training in reducing serious injury and deaths.

It is suggested that the Speciality Vehicle Institute of America's model legislation be considered as a starting point for the legislative regime.

Response and action:

- Implementation of recommendation 2a is under consideration.
- Implementation of recommendation 2b is in progress.
- Implementation of recommendation 2c is under consideration.
- Recommendation 2d is implemented

Responsible agency: Queensland Treasury, the Department of the Premier and Cabinet and the Department of Transport and Main Roads.

**On 22 February 2016 the Queensland Government responded:**

The Queensland Government agrees in part to the mandating of nationally accredited training packages for quad bikes and side by side vehicles, noting the feasibility of this recommendation will need to be investigated and implementation issues regarding uptake of training, ownership of a certification or licensing scheme and participation barriers such as cost and access to training will need to be considered.

The Queensland Government agrees to undertake a public awareness campaign about the importance of quad bike and side by side vehicle training and will include this as key safety message in the awareness campaigns.

**Recommendation 2a**

**On 6 April 2017 the Queensland Government updated:**

As recommended by the coroner, the Specialty Vehicle Institute of America's (SVIA) 'off the shelf' quad bike training package is being considered as a starting point for a new quad bike training package that could be adopted in Queensland and promoted nationally. The Office of Industrial Relations met with key stakeholders, including the Federal Chamber of Automotive Industries (FCAI) and agreed to key stakeholders commencing a review of the SVIA training package and considering how it could be effectively implemented in Queensland.

Pending the outcome of the review of the SVIA training package, consideration will be given to whether quad bike training should be mandated noting it is already a requirement under Queensland Work Health and Safety laws for a person conducting a business or undertaking to provide any information, training or instruction necessary to protect a person from risks to their

health and safety arising from work (i.e. operating a quad bike while mustering cattle on a farm). If the revised training package is supported in Queensland, the Office of Industrial Relations will assist the FCAI to undertake consultation with Safe Work Australia to enable the package to be recognised nationally as an acceptable training package.

**On 10 December 2018 the Queensland Government updated:**

Skills Impact, a Commonwealth-funded skills service organisation supporting the Agriculture and Production Horticulture Industry Reference Committee, was engaged in 2017 to review the nationally-accredited units of competency for the operation of quad bikes (*AHCMOM212 Operate quad bikes*) and side by side vehicles (*AHCMOM211 Operate side by side utility vehicles*). The Office of Industrial Relations consulted with Skills Impact during the development phase of the review. The review was finalised and the final draft units of competency were submitted to the Australian Industry and Skills Committee for endorsement. Once endorsed, the units will be published on the training.gov.au website and be available for use by registered training organisations.

On 22 March 2018, the Australian Competition and Consumer Commission (ACCC) released a Quad Bike Safety Consultation [Regulation Impact Statement](#), which included a preliminary recommendation proposing a mandatory safety standard. The ACCC will make a final recommendation to the Commonwealth Assistant Minister to the Treasurer in late 2018 about the safety standard. Safe Work Australia, which comprises all work health and safety regulators as members, is considering quad bike safety measures, including mandating workplace training, to complement the work of the ACCC. Safe Work Australia members will decide on complementary measures in 2019 after considering the ACCC's final recommendation.

**Recommendation 2b**

**On 6 April 2017 the Queensland Government updated:**

Under the *Statewide Plan for Improving Quad Bike Safety in Queensland 2016–2019*, the government has committed to working with recreational quad bike activity providers and tourism operators to develop minimum standards for quad bike safety training for casual users. To progress this recommendation, the Department of Tourism, Major Events, Small Business and the Commonwealth Games (DTESB) has agreed to participate in the Quad Bike Industry Reference Group (QBIRG), which includes representatives from the quad bike tourism industry, to commence initial scoping of existing industry materials and current industry best practice in achieving safe outcomes for casual users of quad bikes such as tourists and tourism operators.

The Office of Industrial Relations, has also agreed to work with Tangalooma Island Resort to develop a case study promoting good quad bike safety practice for recreational quad bike activity providers and tourism operators.

Further research and scoping of existing materials and models is required along with agreement between government agencies and industry on minimum requirements for casual users. Development of relevant guidance material will occur once research/scoping is completed and agreement with industry is reached.

**On 10 December 2018 the Queensland Government updated:**

The Department Innovation, Tourism Industry Development and the Commonwealth Games (DITID, formerly the Department of Tourism, Major Events, Small Business and the Commonwealth Games) undertook research and preliminary scoping of relevant materials available in other jurisdictions as they relate to the tourism industry. The Quad Bike Industry Reference Group, which includes

representatives from the quad bike tourism industry, will be used as the mechanism to gauge the need for the development of similar material to support the quad bike tourism industry in Queensland.

The Tangalooma Island Resort case study promoting good quad bike safety practices for recreational quad bike activity providers and tourism operators is nearing completion. This case study showcases the large body of work that Tangalooma Island Resort has undertaken to reduce their quad bike incidents, which includes a robust training program for tour guides, increased supervision and control of all tourists and a full safety briefing before each and every ride, regardless of experience. DITID is working with the Office of Industrial Relations through the Quad Bike Industry Reference Group to publish the case study which will set a benchmark for Queensland tourism operators who use quad bikes and side by side vehicles for either work or recreation.

DITID will work with the Office of Industrial Relations to provide information regarding the Tangalooma Island Resort case study to tourism operators and support the uptake of similar practices. A complementary targeted compliance monitoring program is being considered.

Further relevant guidance material may also be developed after additional research and scoping, and agreement with industry has been reached.

#### **Recommendation 2c**

##### **On 6 April 2017 the Queensland Government updated:**

Consideration of this recommendation is dependent on implementation of recommendation 2a.

##### **On 10 December 2018 the Queensland Government updated:**

Consideration of this recommendation is dependent on the endorsement of the Australian Industry and Skills Committee of the outcomes of the review of the nationally-accredited units of competency for the operation of quad bikes and side by side vehicles (see response to recommendation 2a).

The Office of Industrial Relations will consider subsidising quad bike and side by side vehicle training in remote areas of Queensland after the Australian Industry and Skills Committee has endorsed the quad bike and side by side vehicle units of competency.

#### **Recommendation 2d**

##### **On 6 April 2017 the Queensland Government updated:**

On 19 June 2016, the government launched the Ride Ready quad bike safety awareness campaign. The campaign seeks to create a culture of safety around quad bike use through education and awareness and addresses the following key issues identified by the coroner, including, the importance of:

- training
- wearing helmets
- not allowing children under 16 on adult sized quad bikes
- not allowing passengers on single seat quad bikes.

Campaign advertising consists of three 30-second advertisements (featured online and through social media) which cover always wearing a helmet, kids only riding on kids bikes, and the risks of overloading quad bikes; and five press advertisements (featured across newspapers and industry publications). The campaign also includes a short film about Domenic Cocco who was only seven

years old when he nearly lost his life while operating a quad bike without a helmet. Other resources to support the campaign include a webpage, online rider challenge, personal story films, quad bike safety films, infographics, posters and guides. The campaign can be viewed at [www.qld.gov.au/rideready](http://www.qld.gov.au/rideready).

The Department of Transport and Main Roads (DTMR) supported the campaign by promoting it through the following channels:

- Social media including DTMR's Facebook page and Twitter feed, as well as through 'Join the Drives' Facebook page
- Online through DTMR's website and on various Conditional Registration pages on Queensland Government website.

The campaign will be run in the lead up to and during each school holiday period when quad bike-related injury and fatality statistics traditionally peak. Post campaign research will be conducted following each advertising placement to assess whether the campaign has improved safety attitudes towards quad bike use. At a minimum, campaign activities will run for the life of the *State-wide plan for improving quad bike safety in Queensland 2016-2019*.

### **Recommendation 3**

Safe Work Australia, the Federal Chamber of Automotive Industries and the Australian Quad Distributors Association initiate the process of introducing an Australian Standard for quad bike specific helmets to meet the needs of the agricultural community.

It is suggested that the New Zealand standard entitled 'All-Terrain Vehicle Helmets' (NZS 8600:2002) be considered for adoption after further investigation is completed as to its appropriateness. The standard should provide that competitive recreational riders and road users must still wear helmets that comply with the Australian Standard for motorcycle helmets (AS 1698), or other similar international Standards.

### **On 22 February 2016 the Queensland Government responded:**

The Queensland Government agree that wearing an appropriate helmet is a necessary risk control when operating a quad bike and support a process being undertaken to introduce an Australian Standard for quad bike specific helmets to meet the needs of quad bikes users in the agricultural sector.

### **Recommendation 4a**

The Queensland Government direct the Queensland Department of Transport of Main Roads to amend their guideline relating to conditional registration for quad bike and side by side vehicle operation on roads and road related areas, to include mandatory helmet use. For road usage, helmets should comply with the Australian Standard for motorcycle helmets (AS 1698) or other similar international standards.

### **Recommendation 4b**

Once an Australian Standard for quad bike specific helmets is implemented, it is recommended the Queensland Government:

- i. introduce legislation to mandate the wearing of helmets (which comply with the Australian standard) by all quad bike and side by side vehicle operators in Queensland

- ii. launch an ongoing public awareness campaign about the importance of wearing helmets on quad bikes and side by side vehicles in preventing death and serious injury.

It is suggested that the Specialty Vehicle Institute of America's model helmet legislation be considered as a starting point for the legislative regime.

Response and action:

- recommendation 4a is implemented.
- implementation of recommendation 4b(i) is under consideration.
- recommendation 4b(ii) is implemented.

Responsible agency: Department of Transport and Main Roads, Queensland Treasury and the Department of the Premier and Cabinet.

**On 22 February 2016 the Queensland Government responded:**

The Queensland Government notes the Department of Transport and Main Roads amended the *Conditional registration scheme guideline* to require quad bike riders, side by side vehicle drivers, and their passengers to wear suitable standard compliant helmets when using these vehicles on a road or road related area as per recommendation 4a. This will be implemented from 1 November 2015.

The Queensland Government supports in principle mandating the wearing of suitable standard compliant helmets by all quad bike and side by side vehicle operators noting the feasibility of this recommendation will need to be investigated. In some cases it will not be possible to enforce compliance for quad bikes used in off road and/or remote and rural settings.

The Queensland Government agrees to undertake a public awareness campaign about the importance of wearing helmets on quad bikes and side by side vehicles and will include this as key safety message in the awareness campaigns. The awareness campaign will also address the difficulties with securing compliance in off road and/or remote and rural settings.

**Recommendation 4b(i)**

**On 6 April 2017 the Queensland Government updated:**

Since the release of the coroner's findings in relation to quad bike-related fatalities, state and territory jurisdictions have amended their road rules to allow the use of helmets meeting the United Nations Economic Commission for Europe *Motorcycle Helmet Standard* (UNECE 22.05) in addition to Australian Standard AS/NZS 1698:2006 *Protective Helmets for Vehicle Users*. Recognition of UNECE 22.05 will enable the development of helmets that are more suitable to quad bike and side by side vehicle use in Queensland and address stakeholder concerns regarding helmet ventilation, weight and restrictions on visibility and hearing. Recognition of UNECE 22.05 also enables one helmet to be used when operating a quad bike or side by side vehicle either on or off the road.

Helmets suitable for quad bike and side by side vehicle use on farms that meet the UNECE 22.05 standard are currently being developed and are anticipated to be available on market in late 2016. Following the release of UNECE 22.05 compliant helmets that address the concerns of the agriculture industry in Queensland, further consideration will be given to mandating UNECE 22.05 and AS/NZS 1698:2006 compliant helmets in Queensland workplaces.

The Department of Transport and Main Roads regulates the use of quad bikes on road and road-related areas through the conditional registration scheme and the Queensland road rules. The department is currently progressing amendments to transport legislation to align the rules and penalties for not wearing a helmet while operating a quad bike or utility off-road vehicle (also known as a side by side vehicle) on a road or road related area with the existing rules and penalties for motorcycle riders not wearing a helmet. Under Queensland transport legislation, motorcycle helmets must comply with either UNECE 22. 05 or AS/NZS 1698:2006.

The Quad Bike Interagency Group will give further consideration to mandating helmets while operating quad bikes and side by side vehicles on private land noting enforcing compliance with mandatory helmet use may not be possible in off-road and/or remote and rural settings. In the interim, the use of helmets on private properties is being encouraged through the Ride Ready public awareness campaign (see the response to recommendation 2d).

**On 10 December 2018 the Queensland Government updated:**

The Department of Transport and Main Roads amended the Transport Operations (Road Use Management – Road Rules) Regulation 2009 to align the rules and penalties for not wearing a helmet while operating a quad bike or utility off-road vehicle (also known as a side by side vehicle) on a road or road-related area with the existing rules and penalties for motorcycle riders not wearing a helmet. Under the Road Rules, helmets must comply with either UNECE 22.05 or AS/NZS 1698:2006. The Road Rules amendments became effective on 1 February 2017.

Helmets suitable for quad bike and side by side vehicle use on farms (better ventilation, weight, visibility and hearing) that meet the UNECE 22.05 standard were developed and are now available on the market.

On 22 March 2018, the Australian Competition and Consumer Commission (ACCC) released a Quad Bike Safety Consultation [Regulation Impact Statement](#) which included a preliminary recommendation proposing a mandatory safety standard. The ACCC will make a final recommendation to the Commonwealth Assistant Minister to the Treasurer in late 2018 about the safety standard. Safe Work Australia, which comprises all work health and safety regulators as members, has been considering quad bike safety measures, including mandating helmets in workplaces, to complement the work of the ACCC. Safe Work Australia members will decide on complementary measures in 2019 after considering the ACCC’s final recommendation.

**Recommendation 4b(ii)**

**On 6 April 2017 the Queensland Government updated:**

The Queensland Government launched an ongoing public awareness campaign about the importance of wearing helmets on quad bikes and side by side vehicles. Please refer to the government’s response to recommendation 2d for further information on the Ride Ready quad bike safety campaign.

**Recommendation 5a**

Noting that children between six and 16 years of age are permitted to operate ‘youth sized’ quad bikes and side by side vehicles, according to the manufacturer’s age recommendation for a particular vehicle, it is recommended that the Queensland Government introduce legislation to:

- i. prohibit children under the age of 16 from operating adult sized quad bikes and side by side vehicles

- ii. prohibit children between the ages of six and 16 from operating a youth sized quad bike or side by side vehicle, that is not specified to be appropriate according to the manufacturer's age recommendation for that particular vehicle
- iii. prohibit children under the age of seven from being carried as passengers on adult-sized side by side vehicles, as well as any child of whatever age if they are unable to sit with their back against the seat, feet flat on the floor and floor rests, and hands on handholds
- iv. prohibit children under the age of 16 from being carried as passengers on adult-sized sit-astride quad bikes.

It is suggested that the Specialty Vehicle Institute of America's age based model legislation be considered as a starting point for the legislative regime.

#### **Recommendation 5b**

The Queensland Government support the introduction of the legislation with an ongoing public awareness campaign about the dangers of parents and guardians allowing children to ride adult sized vehicles and 'youth sized' vehicles that are inappropriate for the age of the relevant child.

Response and action:

- Implementation of recommendation 5a(i) is under consideration.
- Implementation of recommendation 5a(ii) is under consideration.
- implementation of recommendation 5a(iii) is under consideration.
- implementation of recommendation 5a(iv) is under consideration.
- Recommendation 5b is implemented.

Responsible agency: Queensland Treasury, the Department of the Premier and Cabinet and the Department of Transport and Main Roads.

#### **On 22 February 2016 the Queensland Government responded:**

The Queensland Government notes child safety on quad bikes is a key issue requiring attention and agrees in part to the introduction of legislation to place prohibitions around quad bike operation and riding (as a passenger) for children under 16 years of age. However, the government notes the feasibility of this recommendation will need to be investigated and implementation issues regarding ownership of enforcement responsibilities and the difficulty of securing compliance for quad bikes used in off road and/or remote and rural settings will need to be considered. The impact of competency, weight, height and strength on child rider's ability to use a quad bike and whether age is the appropriate limitation will also need to be considered.

As the operation of a quad bike or side by side vehicle on a public road requires the user to hold an appropriate licence, the age for all on road use is limited to 16.

The Queensland Government agrees to undertake a public awareness campaign about the dangers of parents and guardians allowing children to ride adult sized vehicles and 'youth sized' vehicles that are inappropriate for the age of the relevant child and will include this as key safety message in the awareness campaign.

### Recommendation 5a(i)

#### **On 6 April 2017 the Queensland Government updated:**

The operation of a quad bike or side by side vehicle on a public road or road related area already requires the user to hold at minimum a class C licence, therefore the minimum age for on road use is restricted to 17. In regards to quad bike use more broadly, on 19 June 2016, the government launched the Ride Ready campaign which included a focus on children only operating child sized quad bikes (see the response to recommendation 2d).

Following a review of the post campaign research, the Office of Industrial Relations will consult with key stakeholders (such as the Queensland Farmers Federation) to inform any further policy development in relation to this issue. If post-campaign research concludes that parents/guardians are now actively ensuring children ride fit for purpose vehicles, no further action will be taken to introduce legislative requirements noting enforcing compliance with mandatory age restrictions may not be possible in off road and/or remote and rural settings.

### Recommendation 5a(ii)

#### **On 6 April 2017 the Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs responded:**

On 19 June 2016, the government launched the Ride Ready campaign which included a focus on children only operating child sized quad bikes.

Following a review of the post campaign research, the Office of Industrial Relations will consult with key stakeholders (such as the Queensland Farmers Federation) to inform any further policy development in relation to this issue. If post-campaign research concludes that parents/guardians are now actively ensuring children ride fit for purpose vehicles, no further action will be taken to introduce legislative requirements noting enforcing compliance with mandatory age restrictions may not be possible in off road and/or remote and rural settings.

#### **On 10 December 2018 the Queensland Government updated:**

While it is acknowledged that children operating appropriately-sized quad bikes and side by side vehicles is an important safety issue, there may not be capacity for the Office of Industrial Relations to introduce legislation specifically regarding this issue under the *Work Health and Safety Act 2011* (WHS Act), which applies to workers and workplaces. In situations where children may be visiting or live at a workplace, people with management or control of powered mobile plant (such as quad bikes and side by side vehicles) are already required to manage risks to health and safety associated with the plant under the WHS Act.

The Office of Industrial Relations continues to promote the 'kids on kids' bikes' message through the Ride Ready public awareness campaign. Post-campaign market research on the Ride Ready quad bike safety campaign was conducted in February 2016 and again in October 2016 and October 2017. In relation to 'kids using appropriately-sized quad bikes', the 2017 report found there was an 11 per cent increase in safety attitudes and beliefs, from 50 per cent in February 2016 to 61 per cent in October 2017.

On 22 March 2018, the Australian Competition and Consumer Commission (ACCC) released a Quad Bike Safety Consultation [Regulation Impact Statement](#) which included a preliminary recommendation proposing a mandatory safety standard. The ACCC will make a final recommendation to the Commonwealth assistant minister to the treasurer in late 2018 about the

safety standard. Safe Work Australia, which comprises all work health and safety regulators as members, has been considering quad bike safety measures, including prohibitions for children in workplaces, to complement the work of the ACCC. Safe Work Australia members will decide on complementary measures in 2019 after considering the ACCC's final recommendation.

### **Recommendation 5a(iii)**

#### **On 6 April 2017 the Queensland Government updated:**

The Department of Transport and Main Roads is progressing legislation mandating a minimum age for quad bike and utility off-road vehicle (also known as side by side vehicles) passengers when used on road and road-related areas. New provisions will prohibit the carriage of passengers less than eight years of age as well as any child regardless of age whose feet cannot reach the footrests or floor, or whose hands cannot reach any hand rail provided. This will align with the current provisions for motorcycle passengers. In regards to quad bike use more broadly, on 19 June 2016, the government launched the Ride Ready campaign which included a focus on only carrying passengers where the quad bike or side by side vehicle is specifically designed for those passengers (see the response to recommendation 2d).

Following a review of the post campaign research for the Ride Ready campaign, the Office of Industrial Relations will consult with key stakeholders (such as the Queensland Farmers Federation) to inform any further policy development in relation to this issue. If post-campaign research concludes that passengers are riding quad bikes or side by side vehicles within the parameters of the manufacturer's instructions, no further action will be taken to introduce legislative requirements noting enforcing compliance with mandatory passenger restrictions may not be possible in off road and/or remote and rural settings

#### **On 10 December 2018 the Queensland Government updated:**

The Department of Transport and Main Roads amended the Transport Operations (Road Use Management – Road Rules) Regulation 2009, mandating a minimum age for quad bike and utility off-road vehicle (also known as a side by side vehicle) passengers when used on road and road-related areas. The provisions, which came into effect on 1 February 2017, prohibit the carriage of a passenger less than eight years of age as well as any child regardless of age whose feet cannot reach the footrests or floor, or whose hands cannot reach any hand rail provided. This aligns with the current provisions for motorcycle passengers.

While it is acknowledged that the carriage of child passengers on quad bikes and in side by side vehicles is an important safety issue, there may not be capacity for the Office of Industrial Relations to introduce legislation specifically regarding this issue under the *Work Health and Safety Act 2011* (WHS Act), which applies to workers and workplaces. In situations where children may be visiting or live at a workplace, people with management or control of powered mobile plant (such as quad bikes and side by side vehicles) are already required to manage risks to health and safety associated with the plant under the WHS Act.

On 22 March 2018, the Australian Competition and Consumer Commission (ACCC) released a Quad Bike Safety Consultation [Regulation Impact Statement](#) which included a preliminary recommendation proposing a mandatory safety standard. The ACCC will make a final recommendation to the Commonwealth Assistant Minister to the Treasurer in late 2018 about the safety standard. Safe Work Australia, which comprises all work health and safety regulators as members, has been considering quad bike safety measures, including prohibitions for children in

workplaces, to complement the work of the ACCC. Safe Work Australia members will decide on complementary measures in 2019 after considering the ACCC's final recommendation.

#### **Recommendation 5a(iv)**

##### **On 6 April 2017 the Queensland Government updated:**

Please refer to the response at recommendation 5a(iii).

##### **On 10 December 2018 the Queensland Government updated:**

The Department of Transport and Main Roads amended the Transport Operations (Road Use Management – Road Rules) Regulation 2009, mandating a minimum age for quad bike and utility off-road vehicle (also known as a side by side vehicle) passengers when used on road and road-related areas. The provisions, which came into effect on 1 February 2017, prohibit the carriage of a passenger less than eight years of age as well as any child regardless of age whose feet cannot reach the footrests or floor, or whose hands cannot reach any hand rail provided. This aligns with the current provisions for motorcycle passengers. The Department of Transport and Main Roads has no intention of introducing further regulation prohibiting children between the ages of 8 and 16 from being carried as passengers on adult-sized sit-astride quad bikes used on roads and road-related areas.

While it is acknowledged that the carriage of child passengers on quad bikes and in side by side vehicles is an important safety issue, there may not be capacity for the Office of Industrial Relations to introduce legislation specifically regarding this issue under the *Work Health and Safety Act 2011* (WHS Act), which applies to workers and workplaces. In situations where children may be visiting or live at a workplace, people with management or control of powered mobile plant (such as quad bikes and side by side vehicles) are already required to manage risks to health and safety associated with the plant under the WHS Act.

On 22 March 2018, the Australian Competition and Consumer Commission (ACCC) released a Quad Bike Safety Consultation [Regulation Impact Statement](#), which included a preliminary recommendation proposing a mandatory safety standard. The ACCC will make a final recommendation to the Commonwealth Assistant Minister to the Treasurer in late 2018 about the safety standard. Safe Work Australia, which comprises all work health and safety regulators as members, has been considering quad bike safety measures, including prohibitions for children in workplaces, to complement the work of the ACCC. Safe Work Australia members will decide on complementary measures in 2019 after considering the ACCC's final recommendation.

#### **Recommendation 5b**

##### **On 6 April 2017 the Queensland Government updated:**

The Queensland Government launched an ongoing public awareness campaign about the dangers of allowing children to ride adult sized vehicles and youth sized vehicles that are inappropriate for the age of the relevant child. Please refer to the government's response to recommendation 2d for further information on the Ride Ready quad bike safety campaign.

## Recommendation 6

The Queensland Government:

- a. introduce legislation to prohibit carriage of passengers on quad bikes other than those specifically designed to carry an operator and a passenger
- b. launch an ongoing public awareness campaign about the importance of only carrying passengers on quad bikes and side by side vehicles that are designed to carry a passenger (to reduce the chance of loss of control and roll over) and to highlight the importance of carrying age appropriate passengers in accordance with the manufacturer's recommendations on vehicles that are designed to do so.

It is suggested that the Specialty Vehicle Institute of America's age based model legislation be considered as a starting point for the legislative regime.

Response and action:

- Implementation of recommendation 6a is under consideration.
- Recommendation 6b is implemented.

Responsible agency: Queensland Treasury, the Department of the Premier and Cabinet and the Department of Transport and Main Roads.

### **On 22 February 2016 the Queensland Government responded:**

The Queensland Government agrees in part to the introduction of legislation to prohibit carriage of passengers on quad bikes other than those specifically designed to carry an operator and a passenger, noting the feasibility of this recommendation will need to be investigated and implementation issues regarding ownership of enforcement responsibilities and the difficulty of securing compliance for quad bikes used in off road and/or remote and rural settings will need to be considered.

Under the conditional registration scheme, quad bikes can only be used as per their manufacturing specifications, therefore, single seat quad bikes are not permitted to carry passengers.

The Queensland Government agrees to undertake a public awareness campaign about the importance of only carrying passengers on quad bikes and side by side vehicles that are designed to carry a passenger and will include this as key safety message in the awareness campaign.

## Recommendation 6a

### **On 6 April 2017 the Queensland Government updated:**

Quad bikes used on Queensland roads or road related areas are required to be registered with the Department of Transport and Main Roads through its conditional registration scheme. Under the conditional registration scheme, quad bikes can only be used as per their manufacturing specifications, therefore, single seat quad bikes are not permitted to carry passengers. In regards to quad bike use more broadly, on 19 June 2016, the government launched the Ride Ready campaign which included a focus on only carrying passengers on quad bikes and side by side vehicles that are designed to carry a passenger.

Following a review of the post campaign research, the Office of Industrial Relations will consult with key stakeholders (such as the Queensland Farmers Federation) to inform any further policy development in relation to this issue. If post-campaign research concludes that passengers are now

riding quad bikes or side by side vehicles within the parameters of the manufacturer's instructions, no further action will be taken to introduce legislative requirements noting enforcing compliance with mandatory passenger restrictions may not be possible in off road and/or remote and rural settings.

**On 10 December 2018 the Queensland Government updated:**

The Office of Industrial Relations continues to promote the 'don't double' message through the Ride Ready public awareness campaign. Post-campaign market research on the Ride Ready quad bike safety campaign was conducted in February 2016 and again in October 2016 and October 2017. In relation to 'doubling passengers on single-seated quad bikes', the 2017 report found there was a 14 per cent increase in safety attitudes and beliefs from 61 per cent in February 2016 to 75 per cent in October 2017.

On 22 March 2018, the Australian Competition and Consumer Commission (ACCC) released a Quad Bike Safety Consultation [Regulation Impact Statement](#) which included a preliminary recommendation proposing a mandatory safety standard. The ACCC will make a final recommendation to the Commonwealth Assistant Minister to the Treasurer in late 2018 about the safety standard. Safe Work Australia, which comprises all work health and safety regulators as members, has been considering quad bike safety measures. The Office of Industrial Relations will encourage Safe Work Australia members to consider prohibitions for passengers to complement the work of the ACCC. Safe Work Australia members will decide on complementary measures in 2019 after considering the ACCC's final recommendation.

**Recommendation 6b**

**On 6 April 2017 the Queensland Government updated:**

The Queensland Government launched an ongoing public awareness campaign about the importance of only carrying passengers on quad bikes and side by side vehicles that are designed to carry a passenger. Please refer to the government's response to recommendation 2d for further information on the Ride Ready quad bike safety campaign.

**Recommendation 7**

Safe Work Australia manage or oversee the development of an Australian Standard, or the like, for crush protection devices fitted on sit-astride quad bikes in Australian workplaces.

**On 22 February 2016 the Queensland Government responded:**

The Queensland Government encourage quad bike users to assess their operating environment to determine if crush protection devices are appropriate in the situation. Where an assessment demonstrates that there is a risk a quad bike will roll over during use the government strongly encourages stakeholders to use an alternative safer fit for purpose option (i.e. a horse for mustering, a ute, or a side by side vehicle). The government does however support the development of an Australian Standard, or the like, for crush protection devices fitted on sit-astride quad bikes to provide a minimum standard for situations where quad bike users opt to install crush protection devices following a risk assessment.

### **Recommendation 8**

Safe Work Australia and the manufacturers of the Quadbar and Lifeguard:

- a. fund an independent survey study of all persons who currently use the Quadbar and Lifeguard crush protection devices to obtain 'real world' feedback regarding their effectiveness. (The study could also potentially be expanded to consider the estimated 10% of the New Zealand quad bike population who are believed to be utilising crush protection devices)
- b. develop guidance for workplaces to assist them in conducting a more informed risk assessment as to whether a crush protection device is appropriate for their situation.

#### **On 22 February 2016 the Queensland Government responded:**

The Queensland Government agree that further research on the efficacy and net safety benefits of crush protection devices is required and support development of guidance to assist quad bike operators in undertaking a more informed risk assessment as to whether a crush protection device is appropriate in their situation.

Where an assessment demonstrates that there is a risk a quad bike will roll over during use the government strongly encourages stakeholders to use an alternative safer fit for purpose option (i.e. a horse for mustering, a ute, or a side by side vehicle).

### **Recommendation 9**

The manufacturers of the Quadbar and Lifeguard crush protection devices provide their customers with written guidance about what to do in the event of a roll over where their crush protection device is fitted.

#### **On 22 February 2016 the Queensland Government responded:**

The Queensland Government support the development and provision of information that will assist with creating a safer operating environment for quad bike users and will assist in its promotion.

### **Recommendation 10**

The Federal Chamber of Automotive Industries and the Australian Quad Distributors Association initiate the process of developing an Australian Standard through Standards Australia, in consultation with relevant stakeholders, for the design, manufacture, import and supply of quad bikes and side by side vehicles to Australia.

It is suggested that the Australian Standard should be based on the US Standard.

#### **On 22 February 2016 the Queensland Government responded:**

Safe design is the most effective and durable means of creating a healthy and safe operating environment because it can eliminate hazards and risks prior to using a quad bike. Therefore, the Queensland Government support the development of minimum standards for the design, manufacture, import and supply of quad bikes and side by side vehicles.

### **Recommendation 11**

Safe Work Australia consider whether a different safety standard is required for workplace and on-road quad bikes. If so, it is recommended that Safe Work Australia initiate the process of either

an Australian Standard, or a Vehicle Standards Bulletin, in consultation with the industry and other relevant stakeholders.

**On 22 February 2016 the Queensland Government responded:**

Safe design is the most effective and durable means of creating a healthy and safe operating environment because it can eliminate hazards and risks prior to using a quad bike. Therefore, the Queensland Government support the development of minimum standards for the design, manufacture, import and supply of quad bikes and side by side vehicles.

**Recommendation 12**

Safe Work Australia, and each of the state and territory work health and safety authorities contribute to the development of a quad bike and side by side vehicle star rating program, given that the program is focussed predominantly on reducing serious injuries and deaths in the workplace.

The University of New South Wales Transport and Road Safety Research team's proposed quad bike and side by side star rating program should be considered as a good start for consideration of the program so long as it is ensured that it is evidence based (in consultation with the industry).

**On 22 February 2016 the Queensland Government responded:**

The Queensland Government support the feasibility of a consumer star rating system being investigated at a national level and support any reasonable approach to promote and encourage safety.

**Recommendation 13**

The Australasian New Car Assessment Program further develop and administer the star rating system once it has been established.

**On 22 February 2016 the Queensland Government responded:**

The Queensland Government support the feasibility of a consumer star rating system being investigated at a national level and support any reasonable approach to promote and encourage safety.

**Recommendation 14**

The Queensland Police Service:

- a. introduce a standardised investigation template for all quad bike and side by side vehicle related fatalities to supplement existing reporting to the coroner. This should be developed through consultation with the Federal Chamber of Automotive Industries (FCAI), the University of New South Wales Transport and Road Safety (UNSW TARS) Research team and the Office of State Coroner
- b. improve investigator training to cover specific issues arising in quad bike and side by side vehicle fatalities. This should be achieved by adding a module to the existing training regime in consultation with the FCAI and the UNSW TARS team

- c. consult with all other state and territory police services in an effort to encourage them to implement the same initiatives, so that a national approach is taken.

Response and action:

- The recommendation is implemented.

Responsible agency: Queensland Treasury and Queensland Police Service.

**On 22 February 2016 the Queensland Government responded:**

The Queensland Government support the development of a standardised investigation guideline for all quad bike and side by side vehicle related fatalities and support improved health and safety inspector and police investigator awareness of specific issues arising in quad bike and side by side vehicle fatalities. The government would encourage all other state and territory work health and safety regulators and police services to implement the same initiatives.

**Recommendation 14a**

**On 13 June 2017 the Minister for Police, Fire and Emergency Services and Minister for Corrective Services; and the Minister for Employment, Industrial Relations Minister for Racing and Minister for Multicultural Affairs responded:**

The Queensland Police Service (QPS) and the Office of Industrial Relations collaborated to develop a standard first response and investigations template to be used for quad bike and side-by-side vehicle incidents. Members of the Quad Bike Industry Reference Group together with Worksafe NSW and Worksafe Victoria were consulted during this process and were provided with the template. QPS disseminated the investigator template to all forensic crash investigators and it is now mandatory for all forensic crash course participants to be provided with the template.

The QPS will continue to review and research investigation protocols and amend the investigation template if required. The Office of Industrial Relations will be consulted on any amendments.

**Recommendation 14b**

**On 13 June 2017 the Minister for Police, Fire and Emergency Services and Minister for Corrective Services; and the Minister for Employment, Industrial Relations Minister for Racing and Minister for Multicultural Affairs responded:**

The Queensland Police Service (QPS) and the Office of Industrial Relations collaborated to design and deliver a first response training program to staff across Queensland. Queensland Parks and Wildlife Service and New Zealand Worksafe staff also participated in this training program which has been incorporated as a standard module for new recruits.

QPS also developed an internal quad bike/all-terrain vehicle investigator training module. The module was delivered to 40 newly trained QPS crash investigators in 2016 during the two week basic crash investigation course. The training module was disseminated through the Australia New Zealand Policing Advisory Agency (ANZPAA) to all Australian and New Zealand police services.

The QPS will continue to review and research quad bike and ATV investigation protocols and amend the investigation external and internal training programs if required. The Office of Industrial Relations will be consulted on any amendments.

#### **Recommendation 14c**

**On 13 June 2017 the Minister for Police, Fire and Emergency Services and Minister for Corrective Services responded:**

The Queensland Police Service (QPS) investigator template and training module was disseminated by QPS senior management through the Australia New Zealand Policing Advisory Agency to all Australian and New Zealand police services encouraging implementation.

#### **Recommendation 15**

All state and territory police services consider implementing the Queensland Police Service standardised investigation template and improved investigation training for quad bike and side by side vehicle fatalities, once completed.

**On 22 February 2016 the Queensland Government responded:**

The Queensland Government notes this recommendation. Additionally, the Queensland Police Service Forensic Crash Unit at-scene investigator template was submitted through the Australia New Zealand Policing Advisory Agency Road Policing Forum on 13 October 2015 to all other state and territory police services.