

Inquest into the death of Jake Michael Garrett-Pratt

Jake Michael Garrett-Pratt, aged 12 years, lost control of a modified ride-on mower while driving it down a steep driveway at his residence. He careered down the driveway through a four strand barbed wire fence, tumbling into the neighbour's paddock. The ride-on mower became uncontrollable due to the breakage of the rear axle drive chain, leaving it with no effective braking mechanism. The rear axle drive chain broke as a likely result of a number of factors including poor maintenance of the ride-on mower and the drive chain, the age of the machine, excessive rear axle movement, and likely excessive speed to the drive chain as a result of the steep terrain. Jake was not being supervised or wearing a safety helmet.

As a result he suffered fatal head injuries and died six days later at the Brisbane Royal Children's Hospital on 18 March 2012.

The now Deputy State Coroner John Lock delivered his findings on inquest on 31 May 2013.

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. Further information relating the implementation of recommendations can be obtained from the responsible agency named in the response.

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This case has demonstrated the importance for people either being given or obtaining user manuals upon purchase of a used ride-on mower, and:

- reading and following the operating and maintenance instructions in the user manual prior to driving a ride-on mower for the first time
- regularly servicing a ride-on mower
- arranging professional safety and mechanical inspections upon purchase of a used ride-on mower
- utilising ride-on mowers for the purpose for which they were intended for or obtaining professional assistance in the event they will be using it for non-mowing purposes
- in relation to children there needs to be considerations as to the age of the child and training and supervision in relation to use and terrain as well as use of safety equipment such as helmets.

In considering the relevant Australian Standard AS 3792.1-1990 it is noted that it already provides that:

- The mower should not be lent or sold without the user manuals.
- The manual should be read and understood.
- Children or people unfamiliar with the manual instructions should not be allowed to use the mower.
- Advises extreme caution when on slopes.
- In my view provides adequate detail regarding the necessity to be sure the mower is in a safe operating condition.

Given the circumstances of this case, the fact that the national coronial information system database indicates deaths are occurring on ride-on mowers, and given the standard has not been considered for amendment since 1990, it may now be time for Australian Standards to reconsider

AS 3792.1 to ensure it meets with current safety standards and expectations, including the matters raised by the Commission for Children and Young People and Child Guardian issues paper in relation to children and warnings about the use and modifications of such machinery for non-mowing purposes.

With that in mind I will write to Australian Standards providing a copy of this decision and recommend it convene the relevant technical committee to consider such matters. It may be appropriate that consideration be given for mandating the Australian standard within appropriate state and federal legislation. I am aware the process for considering mandating standards is lengthy and involves much consultation. The Office of Fair Trading is the relevant state government agency which has responsibility for product safety and standards and has in my experience been most proactive in its approach to safety issues and I will write to it in a similar fashion.

I accept it is unlikely that even if there is a change to the Australian standard that this would prevent people from using ride-on mowers for non-mowing purposes, or allowing children and young people to use such vehicles, especially on rural properties. Therefore, consideration should be given to ways in which people and particularly children can be encouraged to do so safely.

I therefore recommend that until such time as appropriate consideration is given in relation to safety issues in respect to the Standard, the recommendations found in the Commission for Children and Young People and Child Guardian issues paper in so far as they relate to quad bikes also be followed in respect to ride-on mowers or other similar vehicles such as go-karts and be generally adopted. To be abundantly clear such safety measures should include:

- Such vehicles are not recommended for use by children under the age of 12 (regardless of engine capacity) as operators or passengers.
- Young people aged between 12 – 16 years should not ride adult sized quad bikes or similar vehicles (in engine capacity of greater than 90 cc).
- All young people must be formally trained, including specialised training related to task and terrain.
- When utilising such vehicles, young people should be supervised at all times. This means young people should be in the line of sight of a responsible adult able to respond immediately to an incident.
- Co-riding of such vehicles increases the risk of injury and is not recommended at any age.
- Personal protective equipment and certainly helmets should be worn at all times by young people when operating a quad bike, ride-on mower or similar vehicles.
- This case specifically raises the issue that these vehicles need to be properly serviced and maintained and any modifications be performed by an appropriate mechanical professional.

That safety message needs to be disseminated and I welcome the attention of the media in assisting. As well such organisations as Kidsafe or the The Queensland Ride-On Mower Racing Association Inc may wish to consider ways to spread safety messages regarding the use of ride-on mowers for mowing or non-mowing purposes, quad bikes or go-karts to the general community through mediums such as their individual internet sites, local newspapers and magazines. I am aware Kidsafe Queensland has or is just about to publish a fact sheet in relation to quad bikes, which will be available on its website.

Response and action: the recommendation is implemented.

Responsible agency: Department of Justice and Attorney-General.

On 7 October 2014 the Office of Fair Trading wrote to the Chair of the Australian Standards Technical Committee CS-033, which is responsible for the development and review of the Australian Standard for ride on mowers. The Office of Fair Trading informed the chair of the coroner's findings and made a number of recommendations concerning improvements to the Australian Standard based around the coroner's findings.

The Office of Fair Trading assisted in the development of consumer education material in relation to ride on mowers which is on the Product Safety Australia website. This material can be accessed [here](#).

Although the Office of Fair Trading considers this matter completed, a safety warning about the safe use of outdoor power equipment prior to summer in 2015 will be issued. This will also include some safe use information about ride on mowers.