



Australian Dairy Farmers

and

Dairy Australia

**Response to the Australian Competition and Consumer Commission
(ACCC) Quad bike safety Consultation Regulation Impact Statement**

May 2018

The Australian Dairy Industry

The Australian dairy industry is a \$13.7 billion farm manufacturing and export industry. Australia's 6000 dairy farmers produce approximately 9 billion litres of milk a year.

The dairy industry is the backbone of many regional communities. More than 100,000 Australians rely on the industry for their livelihoods, including vets, scientists, mechanics, financial advisers and feed suppliers, while 42,000 Australians are directly employed on farms and in dairy processing.

The dairy industry welcomes the chance to present this submission in response to the ACCC's Quad Bike Safety Issues Paper.

This is a joint submission from Australian Dairy Farmers and Dairy Australia.

Australian Dairy Farmers (ADF) is the national advocacy body representing dairy farmers across the six dairying states. Its mission is to improve the profitability and sustainability of dairy farmers in Australia.

Dairy Australia is the national services body for dairy farmers and the industry. As an industry-owned rural research and development corporation (RDC), the remit of the organisation is to fund and manage pre-competitive activities that are important to the future of the industry but would not occur effectively or efficiently if the market were left to its own resources. This is typically in the areas of research, development and extension (RD&E), industry capability, trade and regulatory support, and pre-competitive promotion.

Introduction

The Australian Dairy Farmers Ltd welcomes the opportunity to respond to the Australian Competition and Consumer Commission's (ACCC's) Quad bike safety *Consultation Regulation Impact Statement* (March 2018).

As outlined in the ACCC's *Issues Paper* quad bikes are a major cause of death and injury on farms, due largely to rollovers and crashes. Given the supply of Quad bikes and SSVs in Australia is largely unregulated, the Australian Dairy Farmers agree there is a role for government intervention. However, like all intervention the option selected must be that which provides the greatest net benefit (benefits of action exceed the costs).

Responses to the ACCC's questions of interest to the industry have been made consistent with these principles.

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

The preferred option cannot be determined in the absence of the following information:

- Evidence of the impact each intervention is likely to have on reducing rollovers and crashes – the cause of 85% of deaths according to the ACCC's *Issues Paper*. Greater consideration of the interventions overseas would assist in this determination.
- Greater consideration of the cost of additional regulation across all options and the effect this will have on prices and fees which farmers (as consumers) will eventually bear.
- Articulate the net benefit quantitatively for all options.

In the absence of the above the Australian Dairy Farmers recognise that all proposed options, with exception of status quo, are likely to improve Quad bike safety for farmers.

Introduction of a safety rating system for purchasers will enable comparison of safety performance of individual Quads and SSVs. Operators will also be alerted to the risk of rollover of Quads and will be provided with clear information on conditions to avoid the risk of rollover through the signage and relevant information in the user's manual.

The risk of rollover will be reduced by having an additional mandated safety standard for new general-use-Quad bikes most commonly used on farms. This safety standard that requires all wheels on the Quad to rotate at different speeds with an unlockable differential will improve the cornering on hard surfaces. In addition, the mandating of minimum performance tests for static stability, mechanical suspension and dynamic handling will ensure manufacturers make changes to some existing models to make them safer or ensure some unsafe models are removed from the Australian market. It is acknowledged that some of the changes required will increase the cost of some models, however the changes proposed will not only improve safety but will most likely improve overall performance. It is agreed that these additional safety standards will through reduced risk of rollover reduce the fatalities and injuries associated with Quad use on farms.

The risk of rollover, although reduced will still be present and operators still need to be protected and the requirement for the development of an integrated ROPS or OPD that meets a minimum design standard will enable this.

The importation into Australia of substandard Quads and SSVs must be prevented and the mandatory adoption of the US Standard ie ANSI/SVIA-2017 for Quad bikes in Australia should assist in achieving this.

A mandated post manufacture and independent testing for Quad bikes and SSVs and the production of a safety star rating system that is available at the point of sale will enable purchasers and potential users to make better informed decisions on safety before they complete their purchase.

This safety rating system when promoted should not preclude the consideration that for some tasks and conditions a safer vehicle than a Quad or SSV should be considered.

Additional warning of the risk of rollover on Quads is a useful reminder to purchasers and operators about the instability of Quads and should be in a prominent position on the Quad and on the front of any manuals and user guides. This warning should be supported with a reminder to fit an operator protection device.

We acknowledge that the current OPDs i.e. Quad bar and Lifeguard may have their limitations in that they are an after-manufacture device and not integrated into the design of the Quad. We support the development of an integrated OPD and fully tested to an approved minimum standard.

A mandatory safety standard that requires Quad bikes to meet minimum performance tests for mechanical suspension, stability and dynamic handling and requires all wheels to rotate at different speeds is welcomed. Given that SSVs are being promoted as an alternative safer vehicle to a Quad then the similar performance testing should be applied to SSVs.

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, however farmers need to be kept informed on the realistic impact these changes may have on model range and price.

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

As Quad bike operators, farmers and their workers welcome improvements to the safety and performance of Quad bikes. The adoption of these proposed standards will provide confidence at the point of purchase.

It is often argued that the Quad is the most suitable vehicle for the task of mustering cows due to the Quads quick response and greater maneuverability. The changes suggested will improve Quad bike performance, handling, suspension and stability (ie independent suspension and unlocked differential) and afford operators protection should a roll over occur when mustering.

There has been conflicting information provided to purchasers as to the benefits of OPDs, the mandated integrated design and fitting of OPDs to general use farm Quads will go a long way to removing that confusion. Integrated design removes the onus upon users to fit OPDs to new bikes.

The integrated design of OPDs may also address some of the complaints that users have about aftermarket OPDs. Eg rattling and noise of Quad bar and difficulty of fitting and securing Lifeguard to the rear cargo rack, getting caught on branches and interfering with loads and trailers.

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

Option 1

This option has not seen a significant drop in fatalities and injuries for Quad bikes in Australia at this stage. With the voluntary uptake of OPDs gaining momentum and the incentives being provided by some state regulators to purchase alternative vehicles, fit OPDs purchase helmets and undertake training a reduction in fatalities and injuries may occur over time. However, no action has been taken to reduce rollover risk by Quad manufacturers.

Action needs to be taken to have a greater impact on deaths and injuries associated with Quad bike use.

Option 2

The adoption of the US standard for Quads and SSVs will prevent the importation of poor performing and inherently unsafe vehicles into Australia.

As previously mentioned a mandated post manufacture and independent testing for Quad bikes and SSVs and the production of a safety star rating system that is available at the point of sale will enable purchasers to make better informed decisions on safety before they complete their purchase. The star system may drive competition and innovation in improving safety amongst manufacturers.

Not all purchasers and operators are aware of the instability of Quad bikes, there is a perception particularly amongst inexperienced users that it has four wheels and must be more stable than a two-wheeler.

The rollover warning sign will provide some prominent reminder of the high risk of rollover of Quads to the unsuspecting purchaser and operator.

It is likely that this will have a small impact on reducing death and injury given 95% of Australian quads are already US standard compliant (as stated in the RIS).

Option 3

It is acknowledged that the integrated design of OPDs into the manufacture of general use Quads will not reduce the incidents of rollovers, but it will protect the operator. The addition of a known, proven engineering solution ie OPD that protects an operator from crushing should a lateral roll or a backflip occur is a higher order control and affords even the most experienced and well trained operator protection should an incident occur.

Experienced operators can still encounter conditions such as hidden objects or holes that may contribute to a rollover. The need to suddenly swerve to avoid an object or a mistake made while fatigued can all contribute to a potential rollover. Operators are human and make mistakes, the OPD will prevent many crush injuries and potential death by asphyxiation by providing space beneath the bike and the ground for the operator to breath and get out from under the bike.

Option 4

A mandatory safety standard that requires Quad bikes to meet minimum performance tests for mechanical suspension, stability and dynamic handling and requires all wheels to rotate at different speeds are engineering solutions that will reduce but not eliminate the risk of tipping over and improve performance especially when turning. Purchasers can be more confident they are obtaining a safer vehicle.

Option 5

Combining options 2, 3 and 4 is likely to have the largest impact of injuries and fatalities associated with Quad bike use.

- 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)**

Most Quads have an array of signs on them, this rollover risk warning sign would need to be very prominent to get the message across to potential purchasers and users given that rollover is the greatest risk in operating a Quad.

The differential lock selection signage must be accompanied by instruction on its use both on the bike and in more detail in the operator's manual.

Additional warning information may be required regarding the need for operator training and induction on specific bikes.

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

We are not qualified to comment on the actual testing regime.

However, the tests for static stability, dynamic handling and rollover crash worthiness seem to provide useful comparative information for different vehicles in a controlled environment.

The performance of OPDs in protecting operators is most useful. As there is no standard for the construction and fitting of aftermarket OPDs it would be useful to have a testing regime for these, like the SSV ROPS load strength assessment and the comparative results published in addition to or in conjunction with the stars rating system.

- 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?**

An effective minimum design OPD standard is welcomed and the criteria specified is agreed with.

In addition to some of the comments around what an OPD should not do most users do not want the OPD to interfere with their cargo space or towing ability, they also want them to be relatively

maintenance free. The minimum standard needs to apply to both integrated designed OPDs and aftermarket OPDs.

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.

The ability of all four wheels to rotate at different speeds allows for improved handling when turning on most surfaces and will enable tighter turning without fighting the bike.

When operating on loose and uneven surfaces and mud where all four wheels need to be spinning together the differential lock may need to be engaged. Therefore, it is important for operators to clearly know whether the diff locks are in the lock or unlock position.

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?

SSVs are becoming more popular on dairy farms as an alternative safer vehicle to use than a Quad bike although most farmers (but not all) prefer Quads for mustering and bringing in cows due to the Quads greater responsiveness and tighter turning circle.

The SSV with its wider wheel base, lower centre of gravity, ability to carry passenger(s) and greater carrying and towing capacity along with an integrated ROPS are being accepted as a safer option to a Quad and in the main travel over most of the terrain a Quad can on a dairy farm.

For a ROPS to be effective the SSV operator and passenger must wear a seat belt. There appears to be a resistance of farmers to use seat belts helmets when operating SSVs.

Doors and grab handles fitted to SSVs may enable operators and passengers to remain within the protection of the ROPS should a rollover occur.

SSV users need to be clearly reminded that when operating an SSV that seat belts and helmets must be worn.

SSVs should also be subjected to similar test procedures as those outlined in attachment D for Quads.

It is our opinion that sports Quads are not a suitable vehicle to be used on dairy farms.

We support the Victorian Royal Children's Hospital in calling for a ban on children under the age of 16 operating any Quad bike of any size on a farm. This ban has been seen to be successful in driving down child fatalities since its inception in Massachusetts USA.

If youth Quads are to remain on the market they should be subject to similar if not the same design standards as the general use Quads.