

WHSQ Quad bikes and side-by-side vehicles safety – proposed work health and safety regulations discussion paper Submission

15 June 2022

Acknowledgement

The Queensland Family and Child Commission acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Custodians across the lands, seas and skies on which we walk, live and work upon.

We recognise Aboriginal and Torres Strait Islander people as two unique peoples, with their own rich and distinct cultures, strengths and knowledge. We celebrate the diversity of Aboriginal and Torres Strait Islander cultures across Queensland and pay our respects to their Elders past, present and emerging.

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Submission summary

The Queensland Family and Child Commission (QFCC) is pleased to provide a submission to Workplace Health and Safety Queensland (WHSQ) regarding government intervention to improve quad bike and side-by-side vehicle safety.

The QFCC seeks to give practical effect to the rights of children and young people in Queensland through advocacy, awareness and accountability. We advocate for systemic change where children and young people experience inequity, vulnerability and marginalisation in Queensland.

The QFCC has a statutory responsibility to maintain the Queensland Child Death Register, which contains information relating to the deaths of all children and young people in Queensland since 1 January 2004, and report annually on trends and risk factors. The QFCC also has functions to reduce the likelihood of child deaths including making recommendations, arising from keeping the CDR and conducting research about laws, policies, practices and services.

In response to the opportunities to improve the safety of quad bikes and side-by-side vehicles in workplaces, the QFCC supports the introduction of the following work health and safety regulations:

Quad bikes in workplaces

- any person operating or being a passenger on a quad bike must wear a helmet compliant with relevant safety standards
- any person operating a quad bike must be at least 16 years of age, or the minimum age recommended by manufacturers
- a quad bike is not used to carry a passenger, unless it is designed to carry a passenger, and the passenger is at least 16 years of age, or the minimum age recommended by the manufacturer.

Side-by-side vehicles (SSV) in workplaces

- any person operating or being a passenger in an SSV must wear a helmet compliant with relevant safety standards
- any person operating an SSV must be at least 16 years of age, or the minimum age recommended by manufacturers
- an SSV is not used to carry a passenger unless the passenger is at least 8 years of age, the passenger's feet can be placed flat on the floor while seated, and the passenger can hold the vehicle's handrail while seated (if the vehicle has handrails installed)
- any person operating or being a passenger of an SSV wears a seatbelt, if seat belts are fitted.

Data for prevention activities

The QFCC collects, analyses and publishes information about child deaths to help prevent future deaths and serious injuries. We work with researchers and other agencies to raise community awareness and develop prevention programs and policies, by identifying risk factors, trends and emerging safety hazards. The QFCC can provide detailed child death data to researchers and organisations. Contact for enquiries

child_death_prevention@qfcc.qld.gov.au.

Response to discussion paper issues

Quad bike and SSV deaths of children in Queensland since 2004

This submission provides data from the Queensland Child Death Register (the Register) on deaths of children aged under 18 years who died in incidents involving quad bikes, all-terrain vehicles (ATVs) and side-by-side vehicles (SSVs) (including golf carts). These are referred to collectively hereafter as quad bikes unless otherwise stated.

A total of 20 children and young people have died in Queensland in quad bike incidents since 2004 (as at May 2022).

Helmet use

Helmets were being worn in only 5 of the 20 quad bike fatalities. As shown in table 1, head injuries accounted for half of quad bike related deaths during this period. In incidents resulting in death from head injury a helmet was worn in only one incident. The evidence validates the benefit of quad bike riders wearing appropriately fitted helmets. The QFCC therefore supports the proposal to mandate the use of helmets compliant with UNECE 22.05 and AS/NZS 1698–2006 standards in workplaces.

Table 1: Deaths of children and young people by quad bike type and injury, 2004–May 2022

Injury type by vehicle type	Quad bike	Side-by-side Vehicle	Total
Head Injury	8	3	11
Asphyxia (including likely asphyxia)	3	1	4
Crush injury	1	0	1
Multiple injuries	1	0	1
Unspecified	1	0	1
Abdominal injury	0	1	1
Drowning	1	0	1
Total	15	5	20

Operator and passenger safety— age and design restrictions for vehicles

There is a general consensus that children should not ride or be passengers on adult-sized quad bikes, and this is reinforced with product warnings. However, it is clear that the warnings are not sufficient to prevent use by children. The Register has recorded 17 deaths of children under the age of 16 years on adult-sized quad bikes and side-by-side vehicles in Queensland, as shown in table 2.

As stated in the WHSQ discussion paper, the Deputy State Coroner raised concerns in 2015 about unsafe behaviour around child and passenger safety. Recommendations included that children under the age of 16 years be prohibited from being carried as passengers on adult-sized sit-astride quad bikes, and that children under the age of seven years be prohibited from being carried as passengers on adult-sized SSVs (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).

The QFCC notes that, under Australian Consumer Law, a safety standard cannot impose outright age restrictions on quad bike use or mandate passenger restrictions. The QFCC supports the proposed regulatory changes to impose age restrictions for both quad bike riders and passengers in workplaces.

Table 2: Deaths of children and young people by age, adult quad bike type and role in incident, 2004–May 2022

Age category	Adult quad bike		Side-by-side vehicle (SSV)		Total	
	Driver	Passenger	Driver	Passenger	Driver	Passenger
1-4 years	0	2	0	0	0	2
5-9 years	1	1	1	1	2	2
10-14 years	4	1	2	1	6	2
15-17 years	3	0	0	0	3	0
Total	8	4	3	2	11	6

Note: Excludes 3 fatalities involving youth sized quad bikes.

SSV seat belts

Five children have died in side-by-side vehicle incidents since 2004. The mechanism of the incidents were: rollover (3); collision with a stationary object (1); and thrown from vehicle (1).

In three incidents the child or young person died from head injuries after being ejected from the SSV on or after impact. The remaining two children died from injuries sustained after being trapped under the vehicle. Seat belts and helmets were not worn in any of these incidents.

The QFCC supports the proposal to regulate seat belts and helmets in SSVs in workplaces.

Workplace incidents

Two of the 20 quad bike fatalities since 2004 have been subject to workplace health and safety investigations:

- an adult-sized quad bike was under the operation of a child under the age of 16. It was noted that the child was not wearing a helmet or other safety equipment
- an adult-sized SSV was under the operation of a child under the age of 16. The child was not wearing a helmet or the seat belt.

Training

The QFCC does not collect data pertaining to the level of training for drivers/riders of off-road vehicles involved in child death incidents where a licence is not required. However, the QFCC has noted the following themes of adverse driver behaviour relating to the quad bike incidents:

- driver inexperience
- driver distraction
- excessive speed
- alcohol and/or substance use.

The QFCC supports the proposed targeted training approach, which will allow for training to be tailored to different settings. Farm work, for example, may require training for more challenging terrains and situations than would be needed in other work settings.

The QFCC continues to be interested in regulatory reform to improve the safety of quad bikes and side-by-side vehicles, and looks forward to further opportunities to review new safety standards.