



Monday, 23 July 2012

By email: codes@safeworkaustralia.gov.au
Pages: Seven (7)

Safe Work Australia
Att: Codes Public Comment
PO Box 641
Canberra ACT 261

Dear Sirs,

I am writing to you at the request of the National Farmers' Federation Workplace Relations Committee (Committee). The Committee is pleased to have an opportunity to participate in reviewing the draft code of practice entitled 'Managing Risks of Plant in Rural Workplaces' (June 2012) (CoP).

The Committee has reviewed the CoP and has chosen to confine its responses to Part 4.5 Quad bikes, being matters it regards, upon which it could make constructive comments.

Quad bikes are a extremely useful vehicle on farms as is noted in the CoP¹, although upon reviewing the draft CoP, NFF is of the view that the CoP requires minor amendments, as follows:-

Page 30 of 35; the following statement is made:-

“A key safety consideration on larger quad bikes, especially for inexperienced riders, is the aggressiveness of the throttle action when starting off and changing gears while on the move.”

The above statement is, in NFF's view, of little or no value to the CoP and will not aid with on-farm compliance within the work health and safety harmonised framework. For this reason, NFF recommends the removal of this statement.

¹ It's estimated that there are approximately 220,000 quad bikes in operation across Australia.

Page 31 of 35; the following statements are made:-

“Attachments should only be used if the attachment has been endorsed and tested for weight distribution and stability by the manufacture of the attachment.”

NFF is not aware of a nationally endorsed system of compliance / assessment and hence NFF questions why such a statement is in the CoP. We are of the view that this statement should be removed from the CoP.

“The unique design characteristics of these machines generally preclude fitting traditional rollover protective devices which incorporate seatbelts and are therefore not feasible for quads where active riding techniques are required by the rider.”

This statement has no relevance to the CoP and we disagree with the primary proposition, that being the fitting of rollover protective devices (ROPs) is difficult due to engineering and/or operational restrictions. We are of the strong view this unsubstantiated assertion should be removed from the CoP.

While there remains no international standard for these quad bikes or Australian Design Rules, effectively meaning they are unregulated in Australian.

NFF has called upon Government to commission independent research into ROPs/CPDs and PPE to establish an acceptable ‘industry standard’. We reiterate this call upon the Heads of Workplace Safety Authorities (HWSA) to commission engineering safety research relating to quad bike use on farms. We know over the past 10 years that quad bike use has resulted in 140 fatalities. Table 1 is reproduced from the Department of Justice and Attorney-General website in Queensland.

Table 1 - Age and status of national quad bike fatalities (Jul 2002–Jun 2009)*

Age (years)	Operator	Passenger	Bystander	Unknown	Total
0-5	3	5			8
6-15	10	8		1	19
16-25	14	1	1	1	17
26-45	21			1	22
46-65	31			1	32
66 plus	21	1	1	2	25
Unknown	1				1
TOTAL	101	15	2	6	124

As the above Table 1 indicates there has been an average of 13 deaths per year from quad bike use across all age groups.

NFF has performed an Australian Print Media analysis for the twelve months to June 2012², which found:-

- 23 On-farm Deaths (7 children under 15yrs)
- 52 On-farm Injury Events (non-fatal)
- 9 Quad Bike Related Deaths
 - 6 on-farm, 3 off-farm
 - 3 rollovers and 6 non-rollover injury events
- 47 Quad Bike Related Injury Events (non-fatal)
 - 27 on-farm, 13 off-farm, 7 unknown location
 - 4 remain in a serious/critical condition
 - 21 were rollovers, 16 were non-rollovers and 10 had an unknown injury mechanism

We know that 50 percent of deaths occur from the quad bike rolling over and trapping the victims – death results from crush and asphyxiation. In work yet to be published in the Journal Health, Safety & Environment, the location and activity attributable to on-farm quad bike use is identified as per Table 2.

² Up till 30 June 2012.

Table 2 - Mechanism of crash event by location and activity (n=127)*

Mechanism of injury event	Farm					Non-farm					Total	
	Activity: Work		Activity: Non-work		Activity: Unknown	Activity: Work		Activity: Non-work		Activity: Unknown	n	%
	n	%	n	%	n	n	%	n	%	n		
Rollover Deaths												
Rollover with no load or attachments	14	25.5	7	12.7	6	0	0.0	6	10.9	0	33	60
Rollover with spray tank	9	16.4	0	0.0	0	0	0.0	0	0.0	0	9	16.4
Rollover with other load including towed	5	9.1	0	0.0	0	0	0.0	0	0.0	0	5	9.1
Rollover with passenger involvement	1	1.8	5	9.1	0	0	0.0	0	0.0	0	6	10.9
Rollover with subsequent immersion/drowning	0	0.0	1	1.8	1	0	0.0	0	0.0	0	2	3.6
Total Rollover Deaths	29	52.7	13	23.6	7	0	0.0	6	10.9	0	55	100.0
Non-rollover Deaths												
Quad bike collision with other vehicle	0	0.0	0	0.0	0	3	4.7	7	10.9	0	10	15.6
Quad bike collision with animal	3	4.7	0	0.0	0	0	0.0	0	0.0	0	3	4.7
Quad bike collision with stationary object	8	12.5	9	14.1	1	1	1.6	15	23.4	0	34	53.1
Quad bike collision with bystander	1	1.6	0	0.0	0	0	0.0	0	0.0	0	1	1.6
Loss of control of quad bike	1	1.6	0	0.0	0	0	0.0	5	7.8	0	6	9.4
Passenger or rider fell off	3	4.7	2	3.1	0	0	0.0	2	3.1	0	7	10.9
Retrieval of quad bike following incident	0	0.0	0	0.0	0	0	0.0	2	3.1	0	2	3.1
Loading quad bike	1	1.6	0	0.0	0	0	0.0	0	0.0	0	1	1.6
Total Non-rollover Deaths	17	26.6	11	17.2	1	4	6.3	31	48.4	0	64	100.0
Undefined Cases (lack of data available)												
Total Undefined Cases (lack of data available)	2	25.0	1	12.5	2	0	0.0	2	25.0	1	8	100.0
Total deaths associated with quad bikes	48	37.8	25	19.7	10	4	3.1	39	30.7	1	127	100.0

*The Australian Centre for Agricultural Health and Safety.

The governing body of NFF comprises the following organisations:-

AgForce Queensland
Australian Dairy Farmers Ltd
Australian Livestock and Property Agents Association Ltd
Australian Livestock Exporters Council
Australian Veterinary Association
Beechworth Honey Pty Ltd
CANEGROWERS
Cattle Council of Australia
Corporate Australia Group
Cotton Australia Limited
Dried Fruits Australia
Goat Industry Council of Australia
GrainCorp
GrainGrowers Ltd
Northern Territory Cattleman's Association
NSW Farmers' Association
Pastoralists Association of West Darling
Ruralco Holdings Limited
Ricegrowers' Association of Australia
Ridley Corporation Limited
Sheepmeat Council of Australia
Tasmanian Farmers and Graziers' Association
Victorian Farmers Federation
WAFarmers
WoolProducers

Has agreed in July 2012, that:-

A 'Roll Over Protection System' (ROPS) or 'Crush Protection Device' (CPDs) should be installed during manufacture of quad bikes or alternatively at the point of sale.

Page 32 of 35; the following words are used:-

“competent” should be changed to “proficient”

“always” should be changed to “recommended”

“never allowed” should be changed to “only allow”

“adequate training” should be changed to “proficient training”

NFF is of the view that such prescriptive wording is inappropriate in an industry CoP and we recommend these words be amended into the following sentences:-

“Often a combination of general and job specific training will be necessary for riders to be sufficiently *proficient* to operate a quad bike safely.”

“It’s *recommended* to wear a helmet at all times.”

“*Only allow* passengers on a quad bike which has been specifically designed to carry two persons.”

“*Only allow* a person over the age of 16 to operate an adult sized quad bike.”

“*Only allow* a person who is proficient in the operation of a quad bike and is not impaired by the use of alcohol or drugs to operate a quad bike.”

Personal protection equipment (PPE)

We note the reference to PPE as being appropriate, but without appropriate ‘helmets standards’ for use on Australian farms, NFF is of the view the non compliance will be an ongoing issue. NFF notes there are various helmet international standards:-

Quad Bike - New Zealand (NZS8600:2002)

Motorbike - UK (BS6658:1985)

Equestrian - UK (BS EN 1384:1997)

ATV Helmet - UK (BS EN 1078:1997)

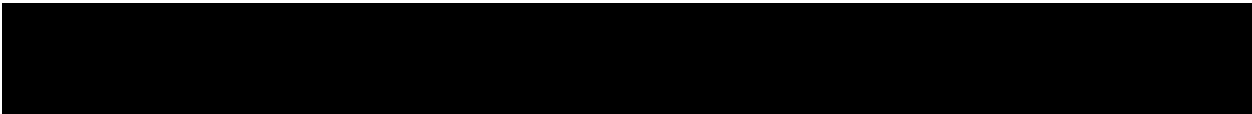
Mountaineering Helmet - UK (BS EN 12492:2000)

While NFF has recently reiterated that independent research should be undertaken in line with a recommendation of Monash University report entitled “Quad Bike Safety Devices: A Snapshot Review (2012)”. It’s appropriate and timely that Government(s) and/or HWSA commission independent research to establish an acceptable ‘industry standard’ for PPE focused upon mortality and injury reduction.

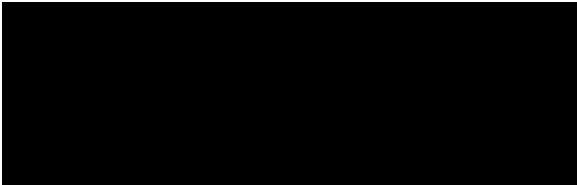
Such a mandatory statement as “A helmet should always be worn when operating a quad bike...” is unlikely to be adhered to in rural and regional properties for acknowledged reasons. Recently, the Coroner, Mr Kevin Priestly stated:-

"Ultimately, it is for Workplace Health and Safety... to take a leadership position as regulator to determine whether it is advisable to wear helmets and regulate accordingly."³

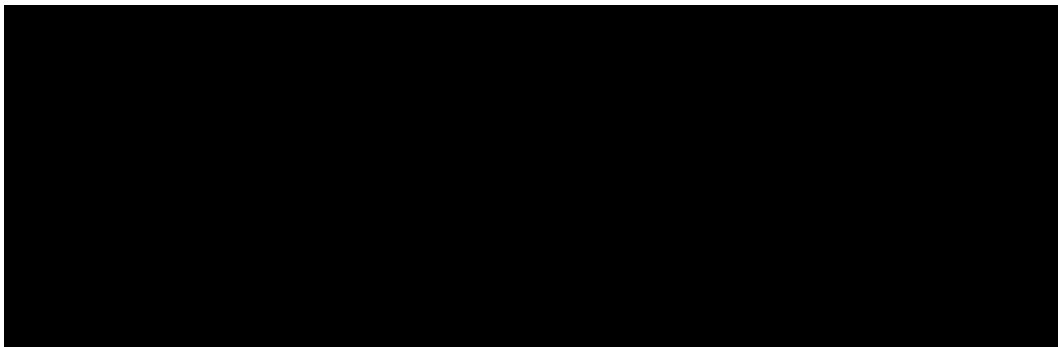
NFF is of the view that a helmet which provides protection and is interchangeable between tasks and caters for the issues of heat, weight, vision and hearing – will lead to increased compliance. Consequently NFF calls upon HWSA to develop in conjunction with the Ag industry a helmet which is light weight, cool and allows for good sight and hearing for on-farm use.



Yours sincerely,



Chair – NFF Workplace Relations Committee



³ Finding of Kevin Priestly, Coroner, *Inquest into the death of Jack Wallace MacNicol*, Coroner's Court, Cairns, dated 29 June 2012.