

Response to ACCC Quad bike safety standard exposure draft

TO: Australian Competition and Consumer Commission (ACCC)

FROM: Jamieson Trauma Institute (JTI), Royal Australasian College of Surgeons (RACS) Queensland Trauma Committee and the Australasian Injury Prevention Network (AIPN)

KEY CONTACTS:

- Associate Professor Kirsten Vallmuur, MAIC Principal Research Fellow, Jamieson Trauma Institute; Member RACS Queensland Trauma Committee
- Dr Matthew Hope, Deputy Director of Trauma, Orthopaedic Unit, Division of Surgery, Princess Alexandra Hospital and Metro South Health Service; Member of National Trauma Committee Royal Australasian College of Surgeons; Chair RACS Queensland Trauma Committee
- Dr Ben Beck, Deputy Head Prehospital, Emergency and Trauma Research, School of Public Health and Preventive Medicine, Monash University; President, Australasian Injury Prevention Network (AIPN)

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RESPONSES TO QUESTIONS FOR COMMENT:

Views on the exposure draft 'Consumer Goods (Quad Bikes) Safety Standard 2019'

Support for proposed recommendations.

As representatives of the Jamieson Trauma Institute Queensland, the Royal Australasian College of Surgeons Queensland Trauma Committee, and the Australasian Injury Prevention Network, we would like to support the ACCC Quad Bike Safety Final Recommendations to the Minister as well as the Consumer Goods (Quad Bikes) Safety Standard 2019. We were pleased to see significant safety improvements being recommended in these papers, which reflects our views that we provided in response to the Quad Bike Regulation Impact Statement Position paper in 2018. We believe that the safety improvements which have been proposed have the highest likelihood of all the options considered to most significantly reduce the frequency and severity of serious injuries and deaths associated with general use quad bikes.

Safety measures should extend to youth-sized quad bikes if they are to continue in use.

However, this option will have *no impact on serious injuries or deaths related to the use of youth-sized quad bikes*, and we would like to reiterate our points which we raised in the Quad Bike Regulation Impact Statement Position paper in 2018 in relation to this aspect. Several professional groups (for example: the Royal Australasian College of Surgeons National Trauma Committee¹, the Australasian Injury Prevention Network², the Canadian Paediatric Society³, the Canadian Association of Paediatric Surgeons⁴) have position statements in support of banning children under the age of 16 years from riding any quad bikes (adult or youth sized). These statements recognise the additional risk to which younger quad riders are exposed due to their smaller weight and frame, cognitive development and riding inexperience. Therefore, the notion of a 'youth' quad bike is controversial in the first instance. However, if such a bike is to remain on the market it should offer the same additional safety features which adult general use quads are expected to meet to provide protection for this vulnerable group of users. It is the view of this group that the mandatory design and performance standards for adult-sized general use quad bikes should also apply to youth quad bikes. At the very least, it is the view of this group that the ACCC needs to investigate the design and performance of youth quad bikes according to the same stringent tests applied to adult-sized quad bikes to assess the safety of these vehicles to inform regulatory decisions.

¹ Royal Australasian College of Surgeons National Trauma Committee. (2017). *Trauma Prevention Position Paper*. Retrieved from: https://www.surgeons.org/media/348313/2017-04-12_pos_fes-fel-047_trauma_prevention.pdf

² Australian Injury Prevention Network. (2015). *Quad Bike Position Paper*. Retrieved from: <http://aipn.com.au/wp-content/uploads/2015/01/2016FourWheelQuadbikePositionPaperFinal.pdf>

³ Canadian Paediatric Society. (2012). *Preventing Injuries from All-Terrain Vehicles*. Retrieved from: <https://www.cps.ca/en/documents/position/preventing-injury-from-atvs>

⁴ Canadian Association of Paediatric Surgeons. (2008). Canadian Association of Paediatric Surgeons' position statement on the use of all-terrain vehicles by children and youth. *Journal of Paediatric Surgery*, 43(1), 938-939.

Comments on the role State Governments should play, including enforcing the wearing of helmets and safety gear and making it illegal for children to ride adult quad bikes in other than supervised sporting events.

Recommendation for legislation for an age limit of 16 years to ride a quad bike.

It is the view of the JTI, the Royal Australasian College of Surgeons National Trauma Committee⁵, and the Australian Injury Prevention Network⁶, whom we are representing, that children under the age of 16 should be banned from riding quad bikes of any size. We recognise the inherent difficulties in enforcement of such a ban, but we encourage State Governments to consider options by which they could implement enforcement. For example, a recent NSW coronial inquest included a recommendation that the NSW Attorney General consider introducing legislation creating a criminal offence for adults who allow children under the age of 16 to ride adult-sized quadbikes⁷. State Governments have a range of enforcement approaches that could be implemented to more proactively push for greater compliance with a blanket ban of children on quad bikes.

Continued public awareness of dangers.

In addition, we encourage State Governments to continue public awareness campaigns to raise awareness of the risks associated with quad bikes, particularly in relation to children, as well as promoting the importance of using an appropriate helmet.

Data collection.

Funding of data collection and research into the effectiveness of solutions to provide an evidence base for policy decision making is also a critical aspect which State and Federal Government needs to take an active role in to support the quad bike safety improvement initiatives. The rate and mechanism of quad bike-related injuries will need ongoing surveillance to monitor changes over time; both for the intended outcome of injury prevention and for any unintended consequences. Currently, data relating to quad injuries does not routinely capture the level of product (including make, model and year of sale) and mechanism detail that is sufficient to fully inform safety regulation. We are predominantly reliant on death data that still has gaps – particularly, insufficient detail about the quad make/model/year of sale, presence of OPD and mechanism of crash/injury. There is a potential to enhance key injury surveillance data sources in Australia over the transition period to provide a stronger evidence base to evaluate the impact of regulatory changes. For example, there is potential to work with data custodians to collect an additional few data fields to capture the make/model/year of sale in the Australian Trauma Registry Data, along with state-based injury surveillance systems, and the National Coronial Information System for serious injuries and deaths associated with quad bikes contingent on the provision of sufficient lead time.

⁵ Royal Australasian College of Surgeons National Trauma Committee. (2017). *Trauma Prevention Position Paper*. Retrieved from: https://www.surgeons.org/media/348313/2017-04-12_pos_fes-fel-047_trauma_prevention.pdf

⁶ Australian Injury Prevention Network. (2015). *Quad Bike Position Paper*. Retrieved from: <http://aipn.com.au/wp-content/uploads/2015/01/2016FourWheelQuadbikePositionPaperFinal.pdf>

⁷ Coroners Court of New South Wales: Inquest into the death of Myley Maxwell 30th May (2019). <http://www.coroners.justice.nsw.gov.au/Documents/Findings%20Myley%20Maxwell%20Final.pdf>