Submission to Safe Work Australia

Options to improve quad bike safety in the workplace

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Executive summary

I operate Quad Bike King, a commercial guided tour business in New South Wales that runs in excess of **20,000 rides per year**. In our operating history we have recorded zero fatalities. I appreciate the opportunity to respond to this consultation and I support Safe Work Australia's underlying objective of reducing death and serious injury on Australian farms.

However, this submission argues that the Discussion Paper's case for further regulation is weaker than it appears, and that the proposals, as drafted, will impose substantial costs on commercial tour operators without any demonstrable safety benefit in our operating context. My key points are:

- **The per-bike workplace fatality rate in Australia is extraordinarily low – approximately 1 fatality per 24,000 quad bikes per year**, comparable to or lower than the fatality rate per registered road vehicle. This context is entirely absent from the Discussion Paper.
- **The ACCC Quad Bike Safety Standard – the single largest safety intervention of the past decade – has not produced a measurable reduction in workplace fatalities.** The average over 2022–2025 (full Standard in effect) is 15.25 deaths per year; the average over 2011–2019 (before the Standard) was 15.3 per year. 2024 was in fact the worst year since the Standard took effect.
- **The Paper conflates fundamentally different workplace contexts.** Solo farm utility operation, family-owned-farm recreational use by children, and supervised commercial tourism are treated as a single regulatory category despite radically different risk profiles.
- **The statistical foundation has unexamined gaps.** Side-by-side vehicles (SSVs) are handled inconsistently across the data sources cited; fleet-size normalisation is absent; and the Paper's own Option 5 concedes the data is incomplete – which logically precedes, rather than sits alongside, Options 1–4.
- **Sequencing matters.** Option 5 (improved data collection) is a prerequisite for sound regulation. Option 6 (communications) is uncontroversial and should continue. Options 1–4 should be

revisited once better data has been collected and the efficacy of the existing ACCC Standard has been properly evaluated.

My positions on each option are summarised below and explained in the body of this submission.

Option	Summary position
1. Mandate OPDs on all workplace quad bikes	**Oppose as drafted.** Support only with carve-outs for low-risk commercial tour operations with demonstrated safety records.
2. Mandate helmets	**Support.** Already universal in commercial tourism; regulation formalises existing good practice.
3. No passengers on type 1 quad bikes	**Support.** Already universal in our operation; sound, low-cost measure.
4. 16+ age restriction	**Support in principle**, with explicit clarification of how it applies to customers in a managed tourism setting (distinct from workers).
5. Improve data collection	**Strongly support.** Should be sequenced *before* further regulation.
6. Targeted communications	**Support.** Should focus on the demonstrated high-risk population.

1. About the submitter and operating context

Quad Bike King is a commercial adventure tourism operator based in New South Wales. We deliver in excess of 20,000 guided quad bike rides per year to members of the paying public. Our operating model includes:

- Speed-governed quad bikes operating on a fixed, pre-scouted trail network
- Mandatory helmet use for every rider, every ride (and supplied by us)
- Single-rider operation only – no passengers carried on any bike
- Pre-ride safety briefings and riding instruction delivered to every customer
- Small groups supervised by trained guides, front and rear
- Daylight operation in predictable terrain; no loads, no towing, no off-trail use
- Minimum age requirements appropriate to bike type

Across this operating volume we have recorded zero fatalities. I therefore write from the perspective of an operator who supports quad bike safety in principle and in practice, but who is directly affected by proposals that treat our operating context as equivalent to the demonstrably higher-risk scenarios that drive the national fatality statistics.

2. The case the Paper does not make: absolute and per-bike risk

The Discussion Paper presents workplace quad bike fatality counts without any reference to fleet size or exposure. This is a consequential omission.

2.1 Fleet size in Australia

The ACCC's own 2017 Quad Bike Safety Issues Paper estimated approximately **380,000 quad bikes in operation in Australia**, with around 20,000 sold each year. The Paper currently before consultation cites no updated fleet figure, nor does it attempt to normalise fatality data by fleet size.

2.2 The resulting rate

Using the ACCC's fleet estimate and the Paper's own fatality figures (245 workplace fatalities since 2011, averaging approximately 16 per year), the resulting workplace fatality rate is approximately:

> **1 fatality per ~24,000 quad bikes per year ≈ 0.0042% per bike per year**

For context, Australia's general road fatality rate is approximately 1,200 deaths per year across roughly 20 million registered vehicles, equating to around 0.006% per vehicle per year. Quad bikes in Australian workplaces therefore exhibit a per-vehicle annual fatality rate that is *lower* than the per-vehicle rate for all registered road vehicles. This is a starting point the Paper should be obliged to engage with before recommending additional prescriptive regulation.

2.3 The ACCC Standard has not moved the dial

The ACCC Quad Bike Safety Standard was phased in from October 2020 and fully in effect from October 2021. It is the single largest regulatory intervention in Australian quad bike safety in the past decade. The Paper implicitly treats this reform as a positive foundation from which to add further regulation. The data tells a different story.

Period	Years	Total fatalities	Annual avg
Pre-Standard	2011–2019 (9 yrs)	138	15.3 / year

Standard phase-in	2020–2021 (2 yrs)	36	18.0 / year
Standard fully in effect	2022–2025 (4 yrs)	61	15.25 / year

The pre-Standard (15.3/year) and fully-post-Standard (15.25/year) averages are statistically indistinguishable. 2024 was in fact the worst year since the Standard took effect (20 deaths) – a fact the Paper notes on page 5 but frames as a case *for* further regulation rather than as evidence the Standard has not achieved its intended effect.

Before layering on new prescriptive regulation, Safe Work Australia should be required to explain why the existing intervention has not reduced fatalities, and to identify the specific causal pathway by which a new intervention will succeed where the old one did not.

3. The workplace scope problem

The Paper uses the word "workplace" throughout without drawing the distinctions that materially determine whether a proposed regulation will deliver safety benefits or simply impose costs on operators who are already safe.

3.1 Four distinct contexts, one regulatory category

The fatality data cited in the Paper overwhelmingly reflects one of these contexts – primary production – but the proposals apply to all four:

Context	Representative risk profile
A. Workers in primary production	Solo operation, remote terrain, utility work (loads, towing), often older operators, inconsistent helmet use. **Drives the fatality statistics in the Paper.**
B. Family members (incl. children) on farms	Not "workers" under the Act, but present at a workplace. Contributes to the fatality data – note the 15 fatalities in the Paper's under-10 and 10–19 age groups.
C. Paying customers in supervised commercial tourism	Speed-governed bikes, mandatory helmets, supervised, no loads, no passengers, trained guides, pre-scouted trails. **Not a material contributor to the fatality statistics.**
D. Non-worker workplace visitors	Highly variable; generally short-duration, supervised.

I strongly support the underlying objective of reducing fatalities in Context A. The proposals in the Paper should not, however, be blanketed across Context C without evidence that they will deliver a safety benefit in that context.

3.2 Clarification sought

The Paper should explicitly address:

- Whether proposed regulations apply to children of farm owners riding on family-owned land that happens to constitute a "workplace" at other times.

- Whether they apply to paying customers of a commercial tour operator who are not workers and are present on the operator's land for a short, supervised experience.
- Whether they apply to guests or visitors of a workplace who use a quad bike recreationally with the PCBU's permission.

I respectfully submit that regulations designed to address Context A risks should not be extended to Contexts B–D without an independent risk assessment specific to those contexts. If such an assessment has been undertaken, it is not referenced in the Paper or in Attachment A.

4. Concerns with the statistical foundation

4.1 Absence of fleet-size normalisation

As set out in section 2, the Paper presents absolute fatality counts without normalising for fleet size. If the quad bike fleet is shrinking (plausible given the shift toward SSVs in commercial agriculture), flat absolute counts mean **per-bike risk is rising** – and conversely, rising counts against a rapidly growing fleet could mean per-bike risk is falling. Without the denominator, no inference about trend is defensible.

4.2 Inconsistent handling of SSVs

The Paper presents quad bike fatality data separately but cites research (CASR, page 13) that explicitly recommends standardised investigation of "all quad bike and SSV fatalities". The AIHW hospitalisation series cited on page 16 is labelled "quad bike related" but ICD-10-AM external-cause coding is known to be imprecise for off-road vehicle categorisation.

This matters because SSVs are widely regarded as materially safer – they are fitted with ROPS, seatbelts, and enclosed cabins. If the working fleet is shifting toward SSVs and "quad bike" hospitalisation counts are falling, the question is whether the fall reflects improved quad bike safety or simply the SSV migration masking underlying quad bike risk.

The Paper does not address this, and Safe Work Australia should disclose, before finalising any options, how its data treats the quad bike / SSV boundary.

4.3 The 13% hospitalisation decline

The Appendix chart shows hospitalisations of 2,306 (2018–19), 2,182 (2019–20), 2,276 (2020–21), 2,261 (2021–22) and 1,966 (2022–23) – essentially flat for four years, then a ~13% drop in a single year. A single data point cannot distinguish between (a) the ACCC Standard finally producing a population effect, (b) fleet composition change, (c) coding change, (d) random variation, or (e) post-COVID use-pattern effects. The Paper neither raises nor attempts to disentangle these.

4.4 The tractor ROPS analogy

The Paper cites an 87% reduction in tractor rollover fatalities following ROPS adoption as evidence for quad bike OPD efficacy. ROPS is a full roll cage, generally paired with seatbelts; quad bike OPDs are roll hoops designed to create crawl-out space in a rollover. These are engineering-distinct solutions. The Federal Chamber of Automotive Industries advanced substantive objections during the ACCC process arguing that some OPD configurations may introduce secondary injury mechanisms in certain rollover scenarios. Equating the two overstates the evidence.

4.5 The 86% no-helmet statistic

The Paper reports that 86% of fatalities where helmet status could be determined did not involve a helmet. This figure reflects the *national* population of quad bike fatalities, which is dominated by agricultural and recreational use where helmets are not routinely worn. It is not a basis from which to infer that mandating helmets will reduce fatalities by 86% in contexts where helmet wearing is already universal (such as commercial tourism). A proper analysis would isolate helmet effectiveness using counterfactual methods rather than a raw base-rate comparison.

5. Responses to the six options

Option 1 – Requiring OPDs on all workplace quad bikes

Position: Oppose as drafted.

The biomechanical evidence for OPDs is substantially more contested than the Paper acknowledges, and the retrofit cost – particularly for commercial fleets – is significant. In our operating context, rollover risk is already very low: bikes operate at governed speeds on known, pre-scouted terrain, with no loads, no towing, no passengers, and trained guides supervising small groups. Mandating OPD retrofit across this fleet delivers no marginal safety benefit.

If Safe Work Australia nevertheless proceeds with Option 1, I urge:

- An explicit exemption, or a lower-intensity standard, for commercial tour operators who can demonstrate an operating safety record (e.g. ≥5 years of commercial operation with zero fatalities and documented safety management system).
- Application of the retrofit requirement only on change of ownership, rather than as an immediate one-off fleet-wide cost.
- Explicit recognition of OPD-integrated new bikes already purchased under the ACCC Standard, without double compliance burdens.

Option 2 – Mandating helmets

Position: Support.

Helmet wearing is already universal at Quad Bike King and, I believe, across the commercial tour operator segment. Formalising this in regulation does not impose any meaningful incremental cost on compliant operators and may raise the floor for non-compliant operators. I support Option 2 without qualification.

Option 3 – No passengers on operator-only (type 1) quad bikes

Position: Support.

Consistent with manufacturer specifications and our own operating practice, I support this option. Single-rider operation is already universal in commercial tourism and is well-supported by coronial evidence.

Option 4 – 16+ age restriction

Position: Support in principle, subject to clarification.

I support a minimum age of 16 for adult-size quad bikes in principle. The Paper should, however, explicitly address:

- How this applies to children of farm owners on farms that are also workplaces – a context that has materially contributed to the fatality statistics and needs substantive attention.
- How it applies to paying customers in supervised commercial tour operations (our own minimum age is already 16 for adult bikes; the question is whether regulation recognises this or duplicates it).
- Whether the restriction is graduated by bike size, recognising that youth-size bikes are a distinct product category.

Option 5 – Improving quad bike data collection

Position: Strongly support. Should be sequenced first.

This is the most important option in the Paper. It is also, in my view, logically prior to Options 1–4: it is difficult to justify prescriptive regulation on the basis of data that the Paper itself acknowledges is incomplete and inconsistent. I recommend that Option 5 be implemented as a standalone first step, with a 2–3 year data-gathering period, and that Options 1–4 be reassessed in light of the improved evidence base.

Specific variables that should be collected, as recommended by CASR and expanded here:

- Make, model, year and engine capacity of the vehicle involved
- Presence or absence of OPD / ROPS and type
- Helmet use
- Whether passengers were being carried
- Whether loads were being carried or towed
- Condition of the vehicle (maintenance, tyre pressure, etc.)
- Terrain and road/track conditions
- Operator age, experience and training
- **Explicit classification of the use context**: primary production work, commercial tourism, recreational use on a workplace, other
- **Explicit separation of quad bike and SSV data** at source
- **Fleet size normalisation**: annual estimate of operating fleet by context

Option 6 – Targeted communications

Position: Support.

Communication campaigns targeting the demonstrated high-risk population – older male operators, solo utility work, loads and towing, helmet wearing – are low-cost and proportionate. The Paper correctly notes these should be embedded in local networks and industry leader channels to shift cultural norms.

6. Alternative recommendations

Beyond my position on the six options, I respectfully propose the following:

1. **Sequence Option 5 first.** Implement improved data collection as an immediate, standalone reform. Review Options 1–4 only once 2–3 years of improved data is available.

2. **Require an independent efficacy review of the ACCC Standard** before any further prescriptive regulation is adopted. If the largest recent intervention has not reduced fatalities, that finding should shape – and possibly replace – the proposed further interventions.

3. **Adopt a risk-proportionate regulatory model.** Commercial tour operators who can demonstrate an operating safety record and a documented safety management system should be eligible for a lighter compliance burden. This is consistent with the general WHS principle that duties are discharged "so far as is reasonably practicable" in the operator's specific context.

4. **Focus enforcement effort on the demonstrated high-risk use case** – solo farm utility work with loads or passengers – rather than on broad-based fleet-wide compliance measures.

5. **Disclose the SSV/quad bike data boundary** in all published statistics, and present fleet-size-normalised rates alongside absolute counts.

7. Direct responses to discussion questions

Option 1 Q1 – Do you support requiring OPDs on all workplace quad bikes?

No, not as drafted. I support a risk-proportionate approach that exempts commercial tour operators with demonstrated safety records and applies retrofit requirements on change of ownership rather than fleet-wide.

Option 1 Q2 – Further information for the economic analysis?

The Attachment A cost modelling should separate commercial tourism fleet retrofit costs from agricultural retrofit costs, and should recognise zero marginal safety benefit for tour operators already running governed, supervised operations.

Option 2 Q1 – Support mandating helmets?

Yes, unreservedly. Already universal in commercial tourism.

Option 2 Q2 – Further evidence on helmets?

The 86% no-helmet-in-fatality figure should not be extrapolated to estimate benefit in contexts already at 100% helmet use.

Option 3 Q1 – Restrict passengers on type 1 bikes?

Yes. Already universal in commercial tourism and well supported by evidence.

Option 3 Q2 – Further evidence on passengers?

None beyond the coronial evidence already cited.

Option 4 Q1 – 16+ age restriction?

Support in principle. Clarification sought on application to farm children, tour customers, and youth-size bikes.

Option 4 Q2 – Further evidence on age?

The Paper should model compliance cost for farms where children under 16 currently operate, which is a substantial and often unspoken segment.

Option 5 Q1 – Improve data collection?

Strongly yes. This should be implemented first.

Option 5 Q2 – What specific data?

See section 5, Option 5 response above, including context classification, quad/SSV separation, and fleet-size normalisation.

Option 6 Q1 – Targeted communications?

Yes. Continue and expand, with clear targeting of demonstrated high-risk populations rather than broad "all workplaces" messaging.

Option 6 Q2 – How to make communications more effective?

Partner with commercial tour operators, agricultural industry bodies and local farming networks. Operators like Quad Bike King would welcome involvement in safety messaging that reaches riders who may otherwise underestimate risk in recreational contexts.

Other comments / alternative options

See section 6 above. Principal recommendation: sequence data reform first, evaluate the ACCC Standard properly, and adopt risk-proportionate regulation thereafter.

8. Closing

I thank Safe Work Australia for the opportunity to contribute to this consultation. I am willing to provide further information on commercial quad bike tourism operations, including our safety management practices and incident data, to assist the Agency's ongoing work. I can be contacted at **giles@gilesdonovan.com** or **0414 655 022**.

Yours sincerely,

Giles Donovan

Owner and Operator, Quad Bike King

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