



**Australian Government**

**Comcare**

## FREQUENTLY ASKED QUESTIONS (FAQs)— QUAD BIKES

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### WHY IS QUAD BIKE SAFETY BEING ADDRESSED BY COMCARE?

Due to their numbers and the extent of safety controls, quad bikes are not considered a high source of harm in the Commonwealth jurisdiction. However, Comcare believes the jurisdiction is in a unique situation to eliminate the risk or improve protection beyond minimum standards.

On 19 October 2012 the Australian Government Workplace Relations Minister, the Hon Bill Shorten MP, directed Comcare to review the use of quad bikes within the Commonwealth jurisdiction and, where practical, ensure that they are replaced with safer alternatives.

Where quad bikes cannot be replaced, Comcare is to initiate a program requiring PCBUs to retro-fit crush protection devices (CPDs) and encourage rider training. Comcare will continue to work with other regulators in developing a standard to underpin the design, manufacture, testing and installation of CPDs.

## WHO HAS OBLIGATIONS UNDER THE WHS ACT IN RELATION TO QUAD BIKES?

The WHS Act places duties on a number of parties to ensure, so far as is reasonably practicable, that the workplace is without health and safety risks. People with duties as outlined in the WHS Act include:

- > PCBUs—section 19
- > officers—section 27
- > workers—section 28
- > other persons—section 29.

Quad bikes used for work are considered to be plant and are regulated under the WHS Act and the Work Health and Safety Regulations 2011 (WHS Regulations) accordingly. Part 2, Division 3 of the WHS Act outlines further duties of PCBUs, including those that:

- > manage or control workplaces—section 20
- > manage or control of fixtures, fittings or plant at workplaces—section 21
- > design plant, substances or structures—section 22
- > manufacture plant, substances or structures—section 23
- > import plant, substances or structures—section 24
- > supply plant, substances or structures—section 25
- > install, construct or commission plant or structures—section 26.

## WHAT ARE THE DUTIES OF AN OFFICER UNDER THE WHS ACT IN RELATION TO QUAD BIKES?

Officers have an obligation under section 27 of the WHS Act to exercise due diligence to ensure that the PCBU complies with its duties or obligations under the WHS Act. Due diligence is expressly described under sub-section 27(5) of the WHS Act.

The officers' duty is to ensure engagement and leadership in WHS management, supporting sustainability and improvement in WHS performance.

Specifically in relation to quad bikes, officers should take reasonable steps to:

- > acquire and keep up-to-date knowledge of WHS matters relating to quad bikes
- > gain an understanding of the nature of the business operations involving quad bikes and of the hazards and risks associated with those operations
- > ensure that the PCBU has available for use, and uses, appropriate resources and processes to eliminate or minimise the health and safety risks from work involving quad bikes
- > ensure that the PCBU has appropriate processes for receiving and considering information about quad bike incidents, hazards and risks, and responds in a timely way to that information
- > ensure the PCBU has, and implements, processes for complying with any duty or obligation under the WHS Act including incident notification, worker consultation, compliance with notices, provision of instruction and training and entitlements to workers and health and safety representatives (HSRs).

## WHAT ARE THE DUTIES OF A PCBU UNDER THE WHS ACT IN RELATION TO QUAD BIKES?

PCBUs have a duty of care under section 19 of the WHS Act to ensure, so far as is reasonably practicable, the health and safety of their workers while they are at work. PCBUs must provide and maintain a work environment that is healthy, safe and without risks to the health of workers, or other persons affected by the conduct of the business or undertaking.

Specifically in relation to quad bikes, PCBUs should take reasonable steps to:

- > provide and maintain safe plant and structures
- > provide and maintain safe systems of work for quad bike use
- > provide and maintain safe systems of work, safe use, handling and storage of quad bikes, structures and substances
- > provide adequate facilities, and access to facilities, for the welfare of workers at work
- > provide information, training, instruction and supervision necessary to protect all persons from health and safety risks associated with quad bike use
- > ensure the health of workers and the conditions at the workplace are monitored to prevent illness or injury.

## WHAT ARE THE DUTIES OF A WORKER UNDER THE WHS ACT IN RELATION TO QUAD BIKES?

Workers also have duty of care under section 28 of the WHS Act to take reasonable care for their own health and safety, and to comply with reasonable safety instructions.

Workers should work with PCBUs to identify and control quad bike hazards, hazardous activities and work environments and assist to put in place appropriate quad bike operating procedures.

Specifically in relation to quad bikes, workers should take reasonable steps to:

- > ensure their own health and safety
- > ensure their acts or omissions do not adversely affect the health and safety of other persons
- > comply with reasonable instructions given by the PCBU
- > cooperate with any policy or procedure of the PCBU relating to health and safety at work, including quad bike use.

## WHAT DOES THE DRAFT CODE OF PRACTICE SAY ABOUT QUAD BIKES?

The draft Code of Practice provides further guidance on how to comply with the WHS Regulations.

Section 4 addresses specific hazards and control measures, while section 4.5 specifically refers to quad bikes.

In particular, the draft Code of Practice contains information on:

- > determining if a quad bike is a suitable vehicle for your needs
- > identifying your needs and relevant rider safety issues
- > comparing vehicle options to your needs
- > selecting a quad bike
- > quad bike rider training
- > personal protective equipment (PPE).

## WHAT ARE THE RISKS ASSOCIATED WITH QUAD BIKE USE IN THE WORKPLACE?

The common sources of risk related to quad bike use include (but are not limited to):

- > loss of control resulting in collision or rollover
- > carriage of passengers
- > underage riders
- > mechanical failure or poor maintenance
- > towing and carrying loads affecting stability
- > attachments and modifications affecting stability
- > multi-tasking and loss of concentration
- > working alone or in isolation
- > personal factors affecting active riding
- > unauthorised access to the quad bike
- > training that is not fit for task.

Knowing the sources of risk present in your work environment, and having a clear understanding of how to avoid or minimise these risks, can help you make safe decisions while minimising or avoiding serious injury or death.

## WHAT CAN BE REASONABLY INFLUENCED WHEN IT COMES TO QUAD BIKE SAFETY?

Where quad bikes continue to be used, risk management is the only approach to effectively manage quad bike risks in the workplace. However, even this process cannot guarantee that incidents will be fully eliminated.

Consideration should be given to:

- > retro-fitting of CPDs
- > pre-operational checks prior to use
- > routine maintenance and tagging of faulty or damaged vehicles
- > rider training—induction and refresher
- > safe work practices and safe work method statements
- > PPE (helmets are mandatory within the Commonwealth jurisdiction)
- > continuous monitoring and review.

## WHAT ARE SOME ALTERNATIVES TO QUAD BIKES?

Quad bikes are valuable workplace tools when they are used for the right tasks, but using them beyond their limitations to do things or go places they were never designed for can have disastrous consequences.

The safest vehicle is the one best suited to do the job. A standard motor vehicle such as a utility vehicle or 4WD, two-wheeled motorbike, a side by side vehicle (SSV) or a small tractor will in almost all cases be a better choice for most workplace jobs and tasks.

## HOW DOES A PCBU SELECT THE RIGHT VEHICLE FOR MY WORKPLACE?

The following points should be considered when selecting the right vehicle for your businesses and workplaces:

- > *Identify the business need and relevant operator safety issues, including:*
  - Tasks—What tasks will it be used for? What does it need to do?
  - Conditions—What are the most common operating conditions? Rocky or hilly country? Mud? Sand?
  - Safety—Which vehicle provides the operator with the greatest level of safety?
  - Operator—Who will be operating the vehicle? What age and size are they, or do they have physical limitations? Have the manufacturer's instructions for safe operating measures been checked? What training do they have, or will they need? Do I have the necessary skills and expertise to train the operators or will I need to seek external trainers?
  - PPE—What PPE will the PCBU need to provide? Helmets (mandatory), gloves? Chemical handling/use protection?
  - Potential road use—Will the vehicle use sealed and/or public roads? Will it need conditional registration?
  - Loads—Will any loads be carried, including spray tanks or other equipment, and how much will it weigh? Is it intended that passengers will be carried?
  - Towing—Will the vehicle be used with trailers or other attachments? If so, what is the likely maximum weight and height the vehicle would be expected to tow?
  
- > *Compare vehicle options to your needs*

Quad bikes have a light footprint and are an economical single person vehicle for limited off-road use. However, a quad bike may not be the most suitable choice when work tasks require more power.
  
- > *Question individuals with relevant quad bike knowledge*

Before purchasing a quad bike, or any other vehicle for your workplace, ask as many questions as you need and seek expert advice about what vehicle will be best for you.

## ARE CPDS MANDATORY UNDER WHS LEGISLATION?

CPDs are not specifically mentioned within WHS legislation. However, it is a requirement within the WHS Regulations for powered mobile plant, which includes quads, to ensure risks associated with overturns are managed. CPDs are an engineering control measure used to reduce the risk of serious injury or death as a result of a quad bike incident. In line with a risk management approach, retro-fitting of CPDs would be considered part of an officer's and PCBU's duties as outlined in the WHS Act.

## WHERE CAN I GET FURTHER INFORMATION ABOUT QUAD BIKE SAFETY?

Further information about quad bike safety can be obtained from the following sources:

- > Safe Work Australia: [www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)
- > Australian Competition and Consumer Commission: [www.accc.gov.au](http://www.accc.gov.au)
- > The University of Sydney—Australian Centre for Agricultural Health and Safety: [www.aghealth.org.au](http://www.aghealth.org.au)
- > New Zealand Department of Labour: [www.dol.govt.nz](http://www.dol.govt.nz)
- > WorkSafe Victoria: [www.worksafe.vic.gov.au](http://www.worksafe.vic.gov.au)
- > WorkSafe NT: [www.worksafe.nt.gov.au](http://www.worksafe.nt.gov.au)