

BULLETIN

Motorcycle Industry Division and Farm and Industrial Machinery Dealers Association



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VACC Quad bike dealer's advice re new quad bike safety standard

Members are advised of a communication from the ACCC and the Assistant Treasurer, the Hon Michael Sukkar, regarding an Australian Federal Government decision to introduce a new safety standard that it believes will improve the safety of quad bikes.

You can view the announcement by taking this [link](#).

What are the key elements of the new safety standard?

There are three key elements:

- improved information for potential purchasers;
- enhanced quad bike stability; and;
- rollover protection to reduce injuries and deaths.

What are the timeframes for implementation?

The announcement advises that within 12 months, all new quad bikes will need to have information affixed to them about the degree of slope at which they will start to overturn.

The announcement further stipulates that within 24 months, all new general use quad bikes will need to conform with minimum standards for stability on slopes.

The standard will also require that all new general use quad bikes sold in Australia will have to have an operator protection device or rollover bar, to reduce the risk of serious crush injuries and deaths in the event of a rollover.

What is VACC's viewpoint?

Any death or injury arising from a quad bike rollover or similar is devastating.

VACC is disappointed that the ACCC has ignored the manufacturer's stance that rollover protection devices have no proven benefit. It is the view of the VACC Motorcycle Industry Dealers (MID) and Farm Machinery Dealers (FIMDA) divisions that a focus on the adherence to the safety warnings, as highlighted by the manufacturers should be sufficient. This includes warnings regarding helmet use, the benefits of training and rider restrictions for under-age persons.

From a business perspective VACC is concerned for many franchise dealers who have invested heavily in brands that retail quad bikes. Sales of these vehicles are predicted to suffer, with some manufacturers on the record as stating they would pull these products for sale from the local market if a new standard was to be introduced. VACC has written to those manufacturers to advise that franchise dealers of that brand must be compensated if they were to withdraw from the local quad bike retail sales market.

Further actions to be taken by VACC

On behalf of MID and FIMDA members VACC will seek advice on how the sale of second-hand quad bikes are to be treated by dealers with respect to the new safety standard.

VACC is disappointed that the ACCC and the Australian Government has only 'strongly urged' and not mandated new safety laws to be introduced by state and territory governments that will apply punitive measures to quad bike operators (consumers) who breach such basic safety measures, such as the use of helmets and protective clothing and prohibiting children from riding adult-sized quad bikes. Punitive measures must be applied in the unfortunate circumstance where operator error is evident. VACC will approach this issue with the ACCC.

Further advice

MID and FIMDA members are urged to follow the express instructions of your franchisor, distributor etc with regards to the sale of quad bikes. If in doubt, please seek your own legal advice.

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