

### **ACCC acknowledge dealers' compliance with Quad bike safety checks and compliance**

Members of the TACC Motorcycle Industry Division (MID) and Farm and Industrial Machinery Dealers Association (FIMDA) are advised that a recent Australian Competition and Consumer Commission (ACCC) nationwide surveillance program conducted from October 2021 found that 94 percent of new quad bikes assessed by Australia's consumer law regulators were found to be compliant with the [national safety standard](#) that has been in force since October last year. You can read more about the ACCC surveillance program by taking this [link](#).

The ACCC reports that the standard has improved from 84 per cent in 2021 to 94 per cent this year. This clearly shows that MID and FIMDA members are taking their obligations seriously and have co-operated with ACCC investigations, taking steps to fix problems when necessary. TACC CEO Geoff Gwilym says that 'all MID and FIMDA dealers should be congratulated for adhering so strictly to what is a serious change in retailing of vehicles. Much changes to how a vehicle is delivered was introduced and dealers have taken the introduction of the standard seriously looking for best consumer and community outcomes'.

#### **What about second hand /used quad bikes?**

TACC advice provided to MID and FIMDA members on 5 October 2021 remains the same with how to treat second hand/used quad bikes with respect to the standard.

- From 11 October 2021 new and **second-hand imported** general use quad bikes sold in Australia must meet the second stage requirements of the mandatory [Quad Bike Safety Standard](#).
- The standard does not apply to second-hand quad bikes **other than those imported into Australia as second-hand quad bikes**. Section 6 (2)(a)&(b).
- The Standard defines a **quad bike dealer** to mean a person who buys and sells quad bikes in the course of a business carried on by the person. It is not specific to indicate a licensed business (e.g., LMCT) but would capture anybody corporate under the ACL regime.

In the event a second-hand bike is imported it must be fitted with operator protection devices and meet minimum stability requirements.

#### **Other advice**

It will be a breach of the Australian Consumer Law (ACL) Section 224 to sell a new or imported second-hand general used quad bike without an operator protection device fitted and without the minimum stability requirements satisfied (among other requirements). Under the unsafe product criteria, a supplier of a quad bike that does not meet the Quad Bike Safety Standard will be liable for prosecution and potentially damages in the result of a malfunction or injury.