



MTA*i*Q | **LEADING AUTOMOTIVE INNOVATION**

SUBMISSION

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Office of Industrial Relations
Workplace Health and Safety Queensland

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Quad bikes and side-by-side vehicles safety

Proposed workplace health and safety regulations – discussion paper

Introduction

The Motor Trades Association of Queensland (MTA Queensland) welcomes the opportunity to provide input to the discussion paper that canvasses proposed regulatory changes to enhance quad bike and side-by-side vehicle (SSV) safety in the workplace.

One of the key elements of MTA Queensland's activities over more than nine decades has been a strong commitment to improving safety across the automotive industry. Through its training arm, the MTA Institute, workplace health and safety is a bedrock of its skills development programs across Queensland.

MTA Queensland, therefore, welcomes initiatives that aim to improve the safety of Queenslanders on the road and in the workplace. The proposals in the discussion paper to address some ambiguity in relation to the use of helmets by quad bike and SSV operators in the workplace is warranted, especially given the fatality data cited and the increasing popularity of these vehicles. Of course, it needs to be recognised that the bulk of the fatalities did not occur in a workplace but in sectors not covered by this and the other regulatory proposals.

Similarly, the age limitations proposed on the use of these vehicles in the workplace seem sensible and warranted. The complexity, size and power of some SSVs, in particular, warrant some age restrictions.

The discussion paper indicates that mandated training for the operation of quad bikes and SSVs is to be considered under phase 2 of the regulatory proposals. As the largest and most experienced independent provider of accredited automotive training in Queensland, MTAQ supports nationally accredited training being adopted where feasible.

Of course, the challenge with any regulatory reform is achieving ready compliance. As the discussion paper notes, there are some entrenched cultural and attitudinal barriers amongst some quad bike and SSV operators that are likely to require significant measures to overcome.

Motor vehicle, motorcycle and machinery dealers play an important role in the sale and service and repair of quad bikes and SSVs used in workplaces. MTA Queensland would welcome the opportunity to work with Workplace Health and Safety Queensland to identify strategies that will need to underpin the successful implementation of the proposed regulatory reforms.

Issues for consideration - responses

Helmets

Questions

- 1 Do you support the proposal to mandate the use of helmets compliant with UNECE 22.05 and AS/NZS 1698-2006 standards? Are there any other standards that should be considered?

Yes, the proposed helmet standards are supported.

- 2 In your experience, do businesses already use compliant helmets and to what extent?

Advice from members selling and servicing these vehicles indicates the use of helmets, standard compliant or otherwise, is variable. These members expressed a view that smaller rural operators are less likely to use helmets.

- 3 Do you anticipate any barriers to complying?

While the supply of compliant helmets is variable at present due to COVID-19 and related factors, it is not expected this will be a barrier in the medium term.

The greater barrier will be the cultural and attitudinal ones identified in the discussion paper. It is expected that smaller rural operators will be more likely to dismiss the need for helmets. Noting the death and injury statistics for the rural sector more generally despite educational and other efforts, it will be a particular challenge to address this fundamental barrier among rural quad bike and SSV operators.

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4 Any other comments relevant to this proposal?

Part of the cultural and attitudinal barriers that may underpin the lack of adoption of regulatory and other reforms is the lack of enforcement. While larger civil construction and other significant workplaces often have a range of WHS policies and dedicated staff to enforce them, this is absent in smaller and remote workplaces. While the bulk of operators will readily support and adopt the proposed regulatory reforms through these mechanisms, there will be lesser support for enforcement in smaller businesses and operations.

Despite the education and other measures cited in the discussion paper, it is clear a comprehensive compliance 'package' will need to be developed to support this and other proposed measures.

Operators and passenger safety – age and design restrictions for vehicles

Questions

5 Are there any unintended impacts anticipated from the proposed age and design restrictions (setting a minimum age for quad bike operators/passengers; and, for SSVs, a minimum operator age, minimum passenger age/height requirements, and seat belt requirements)?

The proposals around age limitations for quad bikes and SSVs are supported. MTA Queensland members noted that most new machines already come with clear advice on operator and passenger restrictions. As with the helmet regulatory proposals, cultural and attitudinal barriers and a lack of enforcement are likely to be the main obstacles to effective implementation.

The greatest impact will be on small rural and other family businesses, where young family members often play an important role. It may be that this proposal needs to include exemption (by application) provisions, at least for an introductory period.

6 Do you anticipate any barriers to compliance with the proposed regulations?

As noted above, there will be the cultural barriers, along with the issues it 'throws up' for small family run rural businesses especially. It would seem that compliance would be a distant consideration for a rural family that needs 'all hands on-deck' to ensure the survival of their stock, crops and business. Once again, some flexibility in implementation would seem warranted.

7 Are there any other comments relevant to the proposal?

No other comments.

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SSV seat belts

Questions

- 8 Do you anticipate any barriers to compliance with the proposed regulations?

Advice from members indicates that seatbelts are now a feature of new SSVs and adoption of the seatbelt requirements should not be a major issue. Of course, it needs to be recognised that older machines may not include this feature and seatbelt requirements could not be applied to those machines without considerable expense.

- 9 Any there any other comments relevant to this proposal?

No other comments.

Training

Questions

- 10 Do you use formal quad bike and SSV training? If so, what was the training, and what was your experience with it?

While MTA Queensland members don't use the training cited in the discussion paper, they have experience in developing and delivering programs to meet the needs of customers. One member cited his experience in developing and delivering non-accredited training to a quad bike adventure business staff.

- 11 What are your views on the AHCMOM217 and AHCMO216 courses? What types of workers would benefit from these courses?

No comment

- 12 Are there other types of training suitable for workers or persons who use these vehicles in the workplace?

As noted above, there are other non-accredited training alternatives being used. Some of this training is coupled to the broader product orientation provided by dealers and manufacturers.

- 13 Do you anticipate any barriers to compliance with mandated training? If so, what are they? How could these barriers be overcome?

The major barrier to mandated training will be the cost and logistical barriers for smaller operators, in particular. While the training costs cited in the discussion paper may seem

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reasonable, they need to be added to the costs of lost income and those associated with attendance at training programs (travel, accommodation etc.). Once again, for small and rural and remote businesses these costs could be prohibitive.

Implementation of this requirement could be accompanied by initiatives that provide funding support for 'at risk' industry sectors and locations where compliance is likely to be financially and logistically very difficult.

A reasonable implementation period for this proposal that recognises the barriers faced by smaller operators of quad bikes and SSVs would also help alleviate these concerns.

14 Are there any other comments relevant to this proposal?

No other comments.

Yours sincerely



Rod Camm
MTA Queensland Group Chief Executive Officer

ENDS

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Background:

The Motor Trades Association of Queensland (**MTA Queensland**) is the peak body representing the interests of employers in the retail, repair, and service sectors of Queensland's automotive industry. MTA Queensland has been performing its vital representative role for the automotive industry since 1929. In Queensland there are some 16,000 automotive businesses employing more than 90,000 people, that generate more than \$7.24 billion to the state economy annually. The automotive industry is estimated to contribute \$37 billion to the Australian economy each year. The Association represents and promotes issues of relevance to all levels of government. In 2019 MTA Queensland was announced as an ABA100 winner in The Australian Business Awards and a finalist in the Lord Mayor's Business Awards, for Business Innovation.

The **MTA Institute (RTO 31529)** is the leading automotive training provider in Queensland offering nationally recognised training, covering technical, retail and the aftermarket sectors of the automotive industry. The MTA Institute is the largest independent automotive training provider in Queensland, employing experienced trainers who are geographically dispersed from Cairns to the Gold Coast and Toowoomba to Emerald. In the last year, the MTA Institute delivered accredited courses to more than 2,000 students. The MTA Institute is the first trade RTO in

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Australia to be approved under the ITECA Industry Certification Program and was the winner of the Small Training Provider of the Year at the 2019 Queensland Training Awards.

MTA*i*Q, Australia's first automotive innovation hub established by MTA Queensland in 2017, is an eco-system that supports innovation and research for the motor trades.

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