



QUEENSLAND FARMERS' FEDERATION

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Submission

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Public Consultation
Workplace Health and Safety Policy
Office of Industrial Relations
Queensland Government

Submitted via email: whspolicy@oir.qld.gov.au

To Whom It May Concern

Re: Quad bikes and side-by-side vehicles safety: Proposed work health and safety regulations

The Queensland Farmers' Federation (QFF) is the united voice of intensive and irrigated agriculture in Queensland. It is a federation that represents the interests of 21 peak state and national agriculture industry organisations and engages in a broad range of economic, social, environmental and regional issues of strategic importance to the productivity, sustainability and growth of the agricultural sector. QFF's mission is to secure a strong and sustainable future for Queensland farmers by representing the common interests of our member organisations:

- CANEGROWERS
- Cotton Australia
- Growcom
- Nursery & Garden Industry Queensland (NGIQ)
- EastAUSmilk (formerly QDO)
- Australian Cane Farmers Association (ACFA)
- Turf Queensland
- Queensland United Egg Producers (QUEP)
- Queensland Chicken Meat Council (QCMC)
- Bundaberg Regional Irrigators Group (BRIG)
- Burdekin River Irrigation Area Irrigators Ltd (BRIA)
- Central Downs Irrigators Ltd (CDIL)
- Fairbairn Irrigation Network Ltd
- Mallowa Irrigation Ltd
- Pioneer Valley Water Cooperative Ltd (PV Water)
- Theodore Water Pty Ltd
- Eton Irrigation Scheme Ltd
- Pork Queensland Inc
- Tropical Carbon Farming Innovation Hub
- Queensland Oyster Growers Association (QOGA)
- Lockyer Water Users Forum (LWUF).

QFF welcomes the opportunity to provide comment on the review of the proposed work health and safety regulations for quad bikes and side-by-side vehicles safety. We provide this submission in

The united voice of intensive and irrigated agriculture



consultation with but without prejudice to any additional submission from our members or individual farmers.

Workplace health and safety is an important consideration for the agricultural sector and for farming enterprises across Queensland. QFF supports a continued focus on supporting farmers to make changes within their business operations that will effectively make farms safer workplaces, reduce workplace injuries and fatalities and improve the overall health and wellbeing of farmers.

Whilst QFF supports the intent behind the proposed regulations as an attempt to improve on-farm safety in relation to the operation of quad bikes and side-by-side vehicles, we have a number of concerns relating to the detail of the proposal pertaining to the inclusion of side-by-side vehicles which follow:

- QFF is concerned that safety statistics relating to the operation of quad bikes are being used to drive unnecessary regulation for side-by-side vehicles. QFF requests that consideration be given to remove side-by-side vehicles from the proposed regulation due to lack of supporting evidence. QFF maintains that quad bikes and side-by-side vehicles should be treated separately as they are operated differently and pose different risks. For example, side-by-side vehicles all have roll over protection, sunshades, reduced horsepower, are fitted with seatbelts and drive more like a car with a steering wheel. Due to the nature of the operation of a side-by-side vehicle, QFF maintains that holding a current drivers licence should be sufficient in determining an operator's competence to operate a side-by-side vehicle without further requirements.
- Failing the removal of side-by-side vehicles entirely from the proposed regulations, QFF recommends the complete removal of the requirement to wear a helmet when operating a side-by-side vehicle. QFF maintains that there is insufficient evidence to support that wearing a helmet will in any way reduce the risk of operating a side-by-side vehicle and it is not a requirement of the manufacturer's operating manual, whereas it is for quad bikes. Within the National Coronial Information System (NCIS) data that AgHealth Australia possess, they cannot identify a single fatal case since 2001 where a seat belt was being used at the time of the incident when operating a side-by-side vehicle. Therefore, the requirement to wear a seatbelt should override and replace the proposal to wear a helmet when operating a side by side vehicle.
- The prescriptive nature of the introduction of the proposed regulations is also of concern. QFF does not support the introduction of regulation which will not help improve on-farm safety in practical terms. Subsequently, QFF recommends provisions to be included for individual farming enterprises to conduct a risk assessment and develop operating procedures and policies that will enable them to not be required to follow the regulations if they operate within defined safety parameters.

In addition to the points outlined, QFF requests consideration be given to the provision of subsidies to farmers who would fall under any proposed new regulations to assist them to adhere to complying, particularly in relation to purchasing compulsory training or safety equipment.

QFF acknowledges the safety risks and related injury statistics in regard to the operation of quad bikes on-farm and does not oppose the introduction of the proposed safety regulations pertaining to the safe operation of quad bikes.

QFF does, however, propose the introduction of financial enticements in the form of rebates, to encourage primary produces to move from quad bikes to side by side vehicles. A similar subsidy program is currently working well in NSW and Victoria. When considering the hierarchy of safety controls, elimination and substitution are the two most effective measures, and ultimately a move



from the use of quad bikes to side-by-side vehicles will achieve a significant reduction in operational risk for farmers

QFF also acknowledges the current lack of clarity in relation to the definition of a workplace and work activity as compared to the recreational use of quad bikes and side-by-side vehicles. QFF requests clarification is provided by the Office of Industrial Relations to assist farmers in assessing their risk, responsibilities and liabilities regarding what is considered work and what is considered recreational and the respective definitions and determinations from a farmer's perspective.

QFF requests that clarification is provided as to the process that will follow after close of submissions in relation to progressing any proposed regulations, so that we might be able to correctly inform our members of this process. We would welcome the opportunity for further consultation with industry as the process progresses.

QFF appreciates the opportunity to provide comment on the proposed work health and safety regulations for quad bikes and side-by-side vehicles on behalf of our members and notes the significant input to this submission that has been made in particular by Cotton Australia and Growcom.

Yours Sincerely

Ms Jo Sheppard
Chief Executive Officer