

Incorrect ATV advice offered

Queensland court presented with out of date ATV safety advice

- In a recent QLD District Court case a farm worker was awarded damages after he injured his leg in an ATV incident
- However, the evidence presented to the court by engineers on behalf of the worker was not only **out of date**, it has also been **disputed** by a number of ATV experts and qualified engineers
- Engineers who presented evidence had **no experience or expertise** in ATV dynamics. They suggested in one of their reports that the plaintiff may not have been injured if 'a *crush protection system and a lap belt*' had been installed on the ATV he was riding
- The suggestion **completely contradicts findings** from a 2015 Queensland Quad Bike Coronial Inquest where it was determined **that a seat belt cannot be fitted to a sit- astride quad bike where the rider needs to be active**
- It also contradicts findings of Safe Work Australia that ROPs - which must be used in conjunction with rider restraints, including harnesses and hand and foot tethers - **are not suitable for single operator quad bikes**
- The ATV industry believes that the recent case is not a landmark ruling. In order for workplaces to improve ATV safety outcomes, the FCAI recommends to:
 - Select a vehicle that is best suited to the task, terrain and operator's skill
 - Ensure riders are trained so they fully understand the vehicle attributes and limitations
 - Ensure the operator is physically fit, wears a helmet and is not intoxicated
 - Observe correct rider and load restrictions and take special care on hills when carrying loads
 - Never allow children under 16 on adult size ATVs, or passengers on single seat ATVs
 - Follow the manufacturer's warnings and advice
- For more information download the full FCAI response click on the FCAI response button. The case was reported in the *Weekly Times* and can be read about here: <https://www.bennettphilp.com.au/blog/dangers-quad-bikes-farm-workers-timely-judicial-warning>
- If you require ATV training for your staff or customers please call Yamaha ATV SSV Safety Institute on 1300 796 979 or email: atvtraining@yamaha-motor.com.au



ATV safety begins with accredited training. Please advise your customers to engage all users in formal ATV training