



# Safe Use of **ATVs** on New Zealand Farms

**Agricultural Guideline**



New Zealand Deer Farmers' Association



NZ Farm Forestry Association



## FOREWORD



*Hon. Margaret Wilson  
Minister of Labour*



*Hon. Jim Sutton  
Minister of Agriculture*



*Hon. Ruth Dyson  
Minister for ACC*


It is with great pleasure that we write this foreword to the Agricultural Guideline *Safe Use of ATVs on New Zealand Farms*.

The development of this Guideline has been a co-operative effort by three Government Agencies and the rural community, represented by: Federated Farmers of NZ (Inc.), NZ Deer Farmers' Association, NZ Young Farmers' Clubs, Rural Women New Zealand, NZ Farm Forestry Association, Combined Trade Unions, and the Agricultural Industry Training Organisation. These groups meet together as the Agricultural Industry Focus Group. The Guideline represents a very significant step forward in the development of a safety and health culture in industry.

The Agricultural Industry Focus Group is to be congratulated for assembling the principals of the industry and getting consensus on the safe use of ATVs.

ATVs are recognised as being potentially dangerous machines and they have caused many deaths and serious injuries on NZ farms. With over 70,000 in use, there is a great need for guidelines to ensure their safe use.

The Government is committed to improving farm safety and we see this Guideline as being an important step towards safer use of ATVs on the farm.



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## PART 1: INTRODUCTION

### 1.1. ENDORSEMENT

This Industry Guideline is supported by the Occupational Safety and Health Service of the Department of Labour, which administers the Health and Safety in Employment Act, and ACC, which administers the Injury Prevention, Rehabilitation and Compensation Act, and by MAF.

This Guideline is dedicated to the memory of the late Ron Ward, who as OSH National Agricultural Co-ordinator during 1999 to 2001, played a key part in its development.

## 1.2 PREAMBLE

The objective of this Guideline is to provide practical guidance for the safe use of farm ATVs on New Zealand farms and reduce ATV death and injury rates on farms. It provides guidance for both work and non-work situations. The Guideline applies to farm-sized ATVs.

This Guideline has been produced by the Agricultural Industry Focus Group, which comprises Federated Farmers of NZ (Inc.), NZ Young Farmers' Clubs, Rural Women New Zealand, NZ Deer Farmers' Association, NZ Farm Forestry Association, the Agricultural Industry Training Organisation (AgITO), the CTU (represented by the Central Amalgamated Workers' Union), MAF Policy, OSH, and ACC.

The primary aim of this Guideline is to prevent accidents. This Guideline sets out agreed industry best practice. It is likely that, in the future, OSH and the Police will refer to this Guideline when considering taking legal action in the unfortunate situation of a person being seriously injured or killed as a result of an ATV accident.

## 1.3. GENERAL BACKGROUND



There are estimated to be over 70,000 ATVs used extensively on farms throughout New Zealand. ATVs are the most widely used motor vehicle on NZ farms and are essential to most farming operations.

ATV accidents are the single most common cause of work-related fatalities, apart from road accidents. Each year several people are killed<sup>1</sup> and many people are seriously injured as a result of work-related ATV accidents on New Zealand farms<sup>2</sup>.

ATVs therefore pose a significant risk of injury and death on New Zealand farms.

## 1.4. LEGISLATIVE BACKGROUND



Land transport legislation is the only law that specifically regulates the riding of ATVs. No person under 15 years of age is allowed to ride an ATV on the road (including beaches) and an approved helmet is required under most circumstances and is recommended at all times<sup>3</sup>.

There is no single statute under which a rule or regulation can be drafted that will cover all on-farm situations. Work-related on-farm use of ATVs is covered by OSH, under the Health and Safety in Employment Act, and non-work-related on-farm use of ATVs is covered by the Police, under the Crimes Act. This Guideline has been developed to cover all on-farm situations.

<sup>1</sup> Seven people were killed in work-related ATV accidents in the year ended 30 June 2002.

<sup>2</sup> There were approximately 900 ATV work-related ACC injury claims in the year ended 30 June 2001.

<sup>3</sup> Farmers riding ATVs and farm bikes, not their passengers, are not legally required to wear a helmet when going between parts of the same farm or an adjoining farm which is owned or occupied by the same person, provided they do not exceed 30 kilometres per hour. An ATV helmet should be worn in such circumstances.

## **PART 2: THE GUIDELINE**

### **2.1 SCOPE AND DEFINITIONS**

#### **2.1.1 Scope of the Guideline**

This Guideline covers work, non-work and recreational use of farm ATVs on New Zealand farms. It includes the following issues:

- Competency – training and supervision;
- Age restrictions;
- Passengers;
- Rollover protective structures (ROPS);
- Protective clothing and equipment;
- The farm;
- The bike.

#### **2.1.2 Definitions**

##### ***ATV (All-Terrain Vehicle)***

“ATV” is defined in the Traffic Regulations as: “a special-purpose vehicle (with or without motor cycle controls and equipment) that is principally designed for off-road use, and has 3 or more wheels, and has an engine capacity exceeding 50 ml and has a gross weight of less than 1,000 kg”.

For the purposes of this Guideline, an *ATV* is restricted to ATVs designed for the carriage of one person, generally with 4 wheels and a saddle-type seat, as distinct from specialised ATVs designed to carry more than one person with a bench seat or more than one seat.

##### ***Farm ATV***

A “*Farm ATV*” is an *ATV* primarily designed for an adult, as distinct from those specifically designed for children.

##### ***Shall***

“*Shall*” refers to a recommendation that is mandatory for compliance with the Guideline.

##### ***Should***

“*Should*” means a preferred practice or recommendation.

### **2.2 GUIDELINES**

#### **2.2.1 Competency - Training and Supervision**

Competency, achieved through education, training and experience; and supervision are vital factors in preventing accidents on ATVs.





### 2.2.2 Age Restrictions

#### **COMPETENCY GUIDELINE**

- ATV riders should be competent in the safe use of the particular ATV to be ridden.
  - Competency can be achieved through practical training consistent with nationally recognised Training Standards, available through the Agricultural Industry Training Organisation.
- Employers, guardians and people in charge of ATVs have an obligation to ensure employees, youths and visitors are adequately supervised and instructed in their safe use.

In general, youths under the age of 15 years have less sense of danger and lack the physical strength and size to safely handle a farm ATV. More stringent restrictions and requirements are required before a person between 12 and 15 years of age should be allowed to drive a farm ATV. Children under 12 years of age shall not be allowed to drive a farm ATV.

#### **AGE GUIDELINE**

- Youths under the age of 15 years *should not* drive a farm ATV.
- Children under the age of 12 *shall not* be permitted to drive a farm ATV.
- Youths between the ages of 12 and 15 years *shall not* be permitted to drive a farm ATV *unless* their guardian or employer establishes that the youth is capable and competent to drive the particular ATV, *and* extra precautions are taken and limits imposed as follows:
  - The youth has the physical strength and size to safely operate the ATV;
  - The youth is adequately trained in the use of the ATV;
  - The youth is wearing a suitable helmet and solid footwear (boots) at all times;
  - No passengers are carried;
  - No implements or loads (such as trailers, spray tanks and hay bales), that may compromise the youth's ability to safely handle the ATV are carried on, or attached to, the ATV;
  - Appropriate limits are placed on the operation of the ATV including limits on speed, terrain and enforcement of no go areas; and
  - The youth is adequately supervised to ensure ongoing compliance with the above requirements.





### 2.2.3 Passengers

#### **PASSENGER GUIDELINE**

ATVs are not designed for the carriage of passengers. Carrying passengers adds extra risks. If passengers do need to be carried, then extra precautions must be taken to minimise the extra risks:

- Establish, prior to carriage, the extent of the intended passenger's previous ATV experience and provide necessary instruction to ensure their safety.
- Reduce the speed travelled to a safe and appropriate level.
- Avoid steep terrain (stick to flat terrain or formed tracks).
- Ensure helmets and protective footwear are worn.
- Require passengers to get off and walk if the terrain poses a significant risk.

### 2.2.4 Helmets and Protective Clothing

The wearing of helmets and appropriate footwear by all ATV riders is considered to be best industry practice. Eye protection/goggles and gloves should be considered in appropriate situations.

Two types of approved helmets are available for ATV use. The approved ATV helmet (NZS 8600:2002) that is designed for low speed (less than 30km/hr), off-road use and an approved motorcycle helmet that is required for on-road use and is more suitable for high-speed off-road use.

#### **HELMETS, PROTECTIVE CLOTHING GUIDELINE**

- Helmets conforming to an approved standard should be worn.
- Appropriate footwear should be worn.
- Eye protection/goggles and gloves should be considered in appropriate situations.

### 2.2.5 Roll Over Protection Structures (ROPS)

Currently there is insufficient evidence to conclude whether ROPS should be required or opposed. This Guideline takes a neutral position with respect to the fitting of ROPS. Manufacturers strongly recommend that neither ROPS nor bull bars be fitted.

OSH has produced a draft guideline for the construction and fitting of ROPS so that, if fitted, they are of sufficient strength. Further scientific work is required before a recommendation, if any, can be made. Owners have the right to choose whether or not they fit ROPS to their ATVs. However, this choice should be based on the information available on the issue so their choice is an informed one. (Note that new information may come to light in the future.)



### **ROPS GUIDELINE**

- Until such time as there is evidence to the contrary, farmers have the right to choose whether or not they fit ROPS to their ATVs.

#### **2.2.6 The Farm**



ATVs are used on a wide variety of farm situations throughout New Zealand. Owners and managers of farms can reduce the risk of ATV accidents by identifying high risk areas of the farm and minimising those risks by restricting or modifying access. For example, “no go” areas can be established and tracks can be built to make it safer to access specific parts of the farm.

### **THE FARM GUIDELINE**

Farm owners and managers should:

- Instruct employees and contractors on areas of the farm that may pose a high risk and any areas that are not safe to access on the ATV.
- Provide visitors with useful information on safe routes, areas of the farm that pose a high risk and any areas that are not safe to access on the ATV.
- Ensure that tracks and accessways are maintained when necessary and consider practical changes, such as additional tracks, that make their properties safer for ATVs to be used.

#### **2.2.7 The ATV**



Poor maintenance of ATVs has been identified as a contributing factor in a number of serious accidents and fatalities. Poor tyre condition and incorrect tyre pressures, faulty or inadequate braking (including parking brake mechanisms), excessive wheel and steering play, damaged towbars and faulty suspensions have been identified as being common safety-related mechanical faults on ATVs in New Zealand<sup>4</sup>.

### **THE ATV GUIDELINE**

- Owners of ATVs, and employers of staff that supply their own ATVs for work purposes, should ensure the ATV is maintained to a safe standard.

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<sup>4</sup>Centre of Human Factors and Ergonomics. *Quad Bikes: Factors in Loss Control Events on New Zealand Farms*, August 2002.