



## POLICY CLARIFICATION

# Carrying passengers on single seat quad bikes



## Key points

- > In all cases, use the safest vehicle for the job.
- > Plan ahead to avoid situations in which it is necessary to carry a passenger on a quad bike.
- > Carrying a passenger, particularly a child, on a single seater quad bike should be avoided; it is the exception, not the rule.
- > You may only carry a passenger if there is no reasonable alternative.
- > If you intend to carry a passenger on a quad bike, you need to complete a risk assessment.
- > If you decide to take a passenger on your quad bike after completing the risk assessment, you need to control the risks you've identified.

## Purpose

The primary piece of legislation governing work health and safety in New Zealand is the Health and Safety at Work Act 2015 (HSWA). Policy clarifications set out WorkSafe's view of HSWA in relation to a clearly defined sector, a particular set of circumstances, or a specific function. This policy clarification sets out WorkSafe's expectations regarding the carriage of passengers on single seater quad bikes.

This policy clarification should be read by:

- > farmers
- > other persons conducting a business or undertaking (PCBUs) operating quad bikes.

## What does the law say?

Under HSWA, PCBUs must ensure the safety of workers while at work so far as is reasonably practicable. As a PCBU, you must identify and manage risks arising from work where reasonably practicable. Reasonably practicable means you do what is suitable in the circumstances to first try to eliminate the risk. If the risk can't be eliminated then you must minimise it. For more information, see our [fact sheet](#).

## Carrying children on quad bikes

Carrying a child as a passenger on a quad bike is particularly dangerous, and may have deadly consequences. This is because the child is unlikely to have the skill, weight and mental development (eg perception, cognitive and reaction time capabilities) necessary to ride safely as a passenger.

A child may only be carried as a passenger if there is no reasonable alternative. If you determine that there is no reasonable alternative, then you need to control the risks you've identified (eg take a safer route).

## What is WorkSafe's approach to carrying a passenger on a quad bike?

Carrying a passenger on a single seater quad bike should be avoided; it is the exception, not the rule. Carrying a passenger on a quad bike which is not designed for more than one person can increase the risk of accidents by making it more unstable, more difficult to control, and more prone to rollover.

In all cases, use the safest vehicle for the job. When carrying a passenger, this would generally mean using a vehicle specifically designed for more than one person. Where carrying a passenger on a quad bike is a recurring necessary practice, an alternative vehicle capable of carrying passengers suitable for the circumstances should be acquired and used as soon as practicable.

**You may only carry a passenger if there is no reasonable alternative**

As a rule, passengers should not be taken on quad bikes, but exceptions may be necessary where there is no reasonable alternative. If you are going to carry a passenger on a quad bike, you need to complete a risk assessment considering:

- > the terrain
- > the capability of the rider and passenger
- > any other relevant farm-specific factors.

If you decide to take a passenger on a quad bike after completing the risk assessment, you need to control the risks you've identified. Controlling risks to both you and your passenger must include:

- > wearing approved bike helmets
- > ensuring that speed is appropriate to the conditions and does not exceed 20 km/h
- > identifying the areas of your farm that are never suitable for carrying a passenger on a quad bike safely, and making sure that your workers know about them
- > carrying your passenger on the side of the rear load carrier facing forward with their legs within the frame of the bike
- > using the weight of your passenger to suit the terrain (ie placed on uphill side when traversing an incline)
- > briefing your passenger about their responsibilities and telling them to listen carefully to your instructions
- > making sure that you are experienced and confident when operating a quad bike, and that you are competent to carry passengers
- > checking that your passenger is able to ride physically unsupported and can react promptly to your instructions.

