

Frequently asked questions

Which CPD should I get?

At present, there are no formal regulatory criteria for approving CPDs. WorkSafe's technical team is in the process of determining internal criteria for approval.

In the interim, WorkSafe will follow the lead of the Australian Regulatory agencies from Victoria and New South Wales. There are two CPDs currently on the market that we would recommend. These have undergone extensive engineering testing. They are LifeGuard and QuadBar. ACC is relying on WorkSafe to advise which CPDs will be eligible for an ACC subsidy.

LifeGuard and QuadBar have been tested to the extent that there is high confidence that they do what they are designed to do – they withstand the forces of a quad rollover to the extent that the operator has a greater probability of escaping serious harm from crushing, and are able to do so with limited effect on the operation of the vehicle itself.

What is the manufacturer position and why are you recommending this against manufacturer advice?

The Motor Industry Association, which represents some of the manufacturers in New Zealand, continue to oppose the fitting of CPDs, stating that the vehicle is safe if it is used properly. They believe that fitting a CPD poses danger to the operator in the event of a rollover, in that the operator may be restricted in their options for getting clear of the vehicle, or that the additional part may strike the operator and cause injury that may not otherwise have happened.

It is WorkSafe's view that, having assessed the evidence available, a CPD is more likely to save a life than cost one. In this case, WorkSafe is prepared to recommend an action that is against the manufacturer's advice.

The recommendation is not a step WorkSafe has taken lightly. It has involved considerable review of research, the views of manufacturers and farmers, and a very close look at actions taken by other regulators.

Did you consider banning quads?

WorkSafe's position is that businesses should ensure they are using the most suitable vehicle given the task at hand and the competence of the operator. There is no doubt that, in the hands of a skilled operator, the quad remains the best vehicle for some tasks on some New Zealand farms.

Why isn't the fitting mandatory?

In future WorkSafe is likely to make CPDs a requirement and to take enforcement action if necessary. At present our inspectors will continue to require users of vehicles to be able to recognise the risks posed by those vehicles when in use, and require the user to be able to explain what actions they have in place to eliminate or mitigate for that risk.

Are WorkSafe going to pay for it?

No. ACC is currently working with WorkSafe to design a targeted subsidy for the purchase/installation of CPD. The proposed subsidy will be launched by the end of July 2019.

I don't need this – I don't have rollovers on my farm

If you have done your risk analysis and believe there is no risk of rollover, then you are not being compelled to fit this equipment

Who have you consulted with about this?

We have talked to internal and external engineers, both in NZ and overseas. We have asked The Agriculture Leaders Health and Safety Action Group, Federated Farmers, Beef+LambNZ, and DairyNZ to provide farmer – relevant comment. We have also consulted with Australian regulators who have introduced similar recommendations.

Will this cancel the warranty on my vehicle?

Manufacturers' warranties (also called express guarantees) guarantee that the maker of a product will repair or replace faulty products for a set period. Manufacturers may refuse to replace something if the damage or fault has been caused by use or the fitting of an after-market part.

If, for some reason, the manufacturer decides not to issue warranties, you would be covered under the Consumer Guarantees Act (CGA). You should be able to get a repair, replacement or refund if products or services don't do what they are meant to, or are defective. If it's a fairly minor problem, the supplier can choose whether to have the goods repaired or replace them. If the problem is substantial, you can refuse a repair and request a replacement or a refund.

Will my insurance costs change?

That will depend on your insurance company. You will probably be required to notify your insurer if you are fitting after-market parts to your vehicle, and if this changes the value of the vehicle then the premium may change. Please check with your insurer.