

**IN THE CORONERS COURT
AT DUNEDIN
(In Chambers)**

CSU-2014-DUN-000365

UNDER

THE CORONERS ACT 2006

AND

IN THE MATTER OF

**An inquiry into the death of
NEVILLE IAN ANDERSON**

Findings: 9 August 2017

FINDINGS OF CORONER B WINDLEY

Introduction

[1] In the early evening of 24 September 2014 Neville Ian Anderson, aged 56, was found deceased under an overturned quad bike in a farming block known as the Gillanders Block, part of Cullen Farm located in the Clutha District at Clarendon, Milton. His death was reported to the coroner and an inquiry opened.

[2] WorkSafe New Zealand also commenced an investigation into any breaches of the Health and Safety in Employment Act 1992 (as was then in force).

Cause of death

Post mortem examination

[3] On 25 September 2014 a full post mortem examination was undertaken by pathologist, Dr Martha Nicholson. Dr Nicholson's autopsy report records her opinion that Mr Anderson's death was caused by crush injury to his chest with possible chest compression resulting in asphyxiation. Dr Nicholson commented:

Mr Anderson had injuries consistent with a crash injury to his chest and possibly chest compression by the quad bike has resulted in asphyxiation causing death. Mr Anderson had cardiomegaly and mild to moderate ischaemic heart disease which are both risk factors for cardiac arrhythmia. It is possible that he suffered a medical event such as a cardiac arrhythmia prior to the accident, but it is not possible to prove this either way.

The HbA1C result was improved compared to previous results suggesting better diabetic control than previously and the vitreous glucose level is within normal ranges.

[4] In the course of the post-mortem examination, blood and urine samples were taken for toxicological analysis. The results of that analysis were unremarkable. The HbA1C test result referred to by Dr Nicholson is a diabetes monitoring tool which reflects the average plasma glucose (sugar in the bloodstream) over the previous 8 to 12 weeks.

[5] Mr Anderson's GP, Dr McGurk, advised that Mr Anderson had diagnosed medical conditions which included diabetes, diabetic eye disease (retinopathy), chronic kidney disease, and was also a known smoker. In Dr McGurk's opinion:

These issues may not have directly impacted the quad bike accident but it is possible he could have had a heart attack or chest pain which precipitated the accident. His vision would not have been tip top and his blood pressure was not ideal which could have had a bearing also.

[6] While Mr Anderson had diagnosed medical conditions which had the potential to impair his riding, there is no evidence that they were in fact operative causes of the crash and his death. I accept Dr Nicholson's opinion as to the cause of Mr Anderson's death.

Circumstances of Death

Mr Anderson's employment

[7] At the time of his death Mr Anderson was employed by Cullen Farm owner, Murray Cullen, in a general farm worker role. Mr Anderson had been employed in this capacity initially for four months, he then left for about six months before returning to full time work at Cullen Farm around a month prior to his death. Mr Cullen had known Mr Anderson personally for some thirty years.

Events of 24 September 2014

[8] At around 2:30 p.m. on 24 September 2014 Mr Anderson commenced a "lambing beat" on the back block of Cullen Farm known as "Gillanders Block". This involved checking paddocks for new lambs or mothers in distress and the like. After lunch Mr Cullen had shown Mr Anderson the route to travel on the lambing beat on a farm map which all employees carry with them. Mr Anderson was instructed to un-hitch the trailer and leave it in the 'orange tree paddock' for another farm worker, Sean Altenburg, to collect later that afternoon.

[9] At the time of the crash Mr Anderson was riding a Canam quad bike, towing a purpose-built trailer with an empty crate affixed to it. As noted above, Mr Anderson was expected to leave the trailer in the 'orange tree paddock' for Mr Altenberg during the afternoon, and return from his lambing beat at around 5:30pm. A neighbour reported seeing Mr Anderson mid-afternoon riding the quad bike on Berwick Road, which was not the route Mr Cullen had earlier instructed Mr Anderson to take. When Mr Anderson failed to leave the trailer in 'orange tree paddock' and then did not return by 5:30pm, Mr Cullen tried to call Mr Anderson on his cellphone but got no answer. A search for Mr Anderson commenced. At around 6:30pm Mr Cullen located Mr Anderson pinned under the overturned quad bike in a Gillanders Block paddock. He was

straddling the quad bike seat still in a riding position. The trailer was still hitched to the quad bike but the towball coupling was twisted leaving the trailer in an upright position. Mr Cullen reported Mr Anderson was not breathing, was cold to the touch, and had no detectable pulse. Mr Cullen contacted his wife who called emergency services. Emergency services confirmed Mr Anderson to be deceased.

Issues

Was there any contributing mechanical defect?

[10] Mr Cullen reports the Canam quad bike used by Mr Anderson was about two years old and was well serviced. He was not aware of any mechanical issues with the quad bike. Both Mr Altenburg and Mr McColl also commented that the quad bikes used on Cullen Farm are well maintained and serviced.

[11] The WorkSafe investigation identified the quad bike had been purchased in January 2012 and regularly serviced. Police report that the quad bike had been serviced by the Stihl shop in Milton on 21 August 2014, with the next service due at 3500km. WorkSafe obtained Stihl service records which detail that as part of a regular service on 22 August 2014, a seized up footbrake was addressed. WorkSafe noted that the quad bike has both hand operated brakes (that are applied to the front wheels), and a foot brake (which is applied to the rear wheels).

[12] WorkSafe refer to an examination of the quad bike being undertaken by Jeff Fleury, a New Zealand Transport Authority vehicle inspector, on 1 October 2014. Mr Fluery tested the braking system and stated his finding as follows:

It was noted that after the rear brake had been fully applied to lock the rear wheels that it would not release and continued to bind, holding the rear brake applied until the foot brake lever was manually returned to the off position.

Inspection of the rear brake linkage revealed that the brake pedal pivot was not free in its operation due to a build up of mud around the pivot point.

[13] Mr Fleury concluded:

My mechanical inspection of the vehicles revealed one defect that may have been a contributing cause to the crash. This was the rear brake staying on after being fully applied to lock the rear wheels. If this was the case there would have been friction or skid marks on the ground at the point where the ATV rolled over.

[14] WorkSafe report that the investigation of the scene did not reveal any skid marks. It was also impossible to determine if Mr Anderson had in fact applied the rear brake using the foot lever, the front brake using the hand lever, or both. On that basis it was considered unlikely that the brakes had in fact locked up prior to or in the course of the crash sequence. This mechanical defect was therefore not considered by WorkSafe to have been a contributing cause to the crash.

[15] Police CVIU also weighed the trailer. WorkSafe analysed whether the trailer weight was excessive for the quad bike and concluded it was within maximum recommended limits however

noted the weight of the trailer would have affected the quad bike's ability to safely negotiate a turn.

Was the terrain and route suitable for quad bike use?

[16] The Cullen Farm is comprised of 1587 hectares of mainly rolling hills terrain. Mr Altenburg advised that quad bikes are the main form of transport on the farm.

[17] The area of Gillanders Block where Mr Anderson was found is a steep grass paddock. Constable Hutton who attended the scene estimated the slope gradient to be 23 degrees. The weather conditions at the time were fine with a strong south-west wind. There is no report of any rainfall that day although the WorkSafe summary of evidence records the ground was soft on the surface.

[18] Following the crash, Mr Cullen observed tracks in the paddock which he believed indicated areas where Mr Anderson had in fact ridden, but these were not in the area Mr Anderson had been instructed to go. Mr Cullen said:

Once [Mr Anderson] went into the paddock known as Gillanders cattle yards, he was meant to back track from there but I could see skid marks through the gate into the paddock known as 'above trees' and that is where [Mr Anderson] came to grief about 150 metres from the gateway.

It appears he has gone along and then negotiated the steep section of the hill.

The paddock was negotiable if he had gone along further but normally that paddock we would have back trapped up so I don't know why he went up there.

It looks like [from] the marks I could see was that [Mr Anderson] has lost traction and then turned around and on the way he had come to grief, the trailer may have jack-knifed.

[19] Mr McColl's opinion as to the crash sequence was expressed as follows:

I think [Mr Anderson] lost traction as when I looked I could see grass had been ripped out and the dirt exposed where he turned. I saw one set of tracks just before the bike crashed or ended up. It showed me that the bike was with the left wheels off the ground, just before it turned over.

[20] Constable Hutton reported his assessment of the crash sequence as follows:

I noted tyre tracks going up the paddock to a point where the tracks indicate the bike lost traction. The tracks then indicate that the bike did some form of turn then headed back down the paddock initially on all four wheels but then it appears as though the left wheels have left the ground while the right wheels have remained.

The tracks indicate the bike started to veer to the left with the right tyres heavy on the ground and the left wheels not. The right wheels tracks then run into a small gorse bush and it appears that is when the right wheels have dug in causing the bike to roll over.

[21] The WorkSafe summary of evidence records:

Mr Anderson appears to have entered the “Above Trees” paddock from the bottom via “Gillanders Cattle Yard” paddock travelling up the hill to where he has lost traction. He has then turned and travelled back down the hill. The quad bike was turning left at the time of the incident before rolling 180 degrees. Mr Anderson was found under the quad bike still in the riding position.

Was there any rider error?

[22] I have also considered whether Mr Anderson was appropriately skilled and experienced in quad bike use, and whether there is any evidence of operational error on his part being a contributory cause of the crash.

[23] Mr Anderson was a long-time friend of Mr Cullen’s. Mr Anderson is reported to have acquired many years farm work experience owning and working on farms since leaving school. WorkSafe report Mr Anderson had more than 30 years experience riding quad bikes but was not known to have attended any formal training.

[24] At the time Mr Anderson first commenced employment at Cullen Farm Mr Anderson received safety instruction from Mr Cullen which included the use of quad bikes. Although Mr Cullen knew Mr Anderson to be experienced in riding quad bikes Mr Cullen reports having observed Mr Anderson’s use and handling of the quad bike over a three hour period after which he was satisfied that Mr Anderson was competent in quad bike use. During the safety instruction Mr Anderson was shown the safety gear that was provided as a matter of course with the farm work. This included helmets, which were kept in the same shed where the quad bikes were stored.

[25] When Mr Cullen located Mr Anderson pinned under the quad bike Mr Anderson was not wearing a helmet. WorkSafe concluded the use of helmets by Cullen Farm employees was not monitored by Mr Cullen at that time.

[26] Mr Altenburg and Mr McColl both confirmed that there is safety gear provided for use on Cullen Farm, including helmets. Mr Altenburg said when he had started at Cullen Farm nine years before, Mr Cullen had given him a helmet to wear.

[27] Mr Cullen stated: “[Mr Anderson] was never worried about steep areas and had done work on the farm before because he used to own that [Gillanders] block.”

[28] Mr McColl stated: “[Mr Anderson] was never a cowboy on the bikes by that I mean [he] wasn’t ripping around on the bikes being stupid. [Mr Anderson] had a good knowledge of the farm layout and he had previously worked on it.”

Conclusion as to the cause of the crash

[29] On the basis of the evidence before me, I agree with the conclusion as to the cause of the crash summarised by WorkSafe as follows:

It appears that the combination of the steep slope, the ground conditions, the trailer being towed and a turn being made, resulted in the quad bike tipping over.

[30] In my view, despite his quad bike experience, Mr Anderson either failed to appreciate or misapprehended the compromise that particular incline, the turning manoeuvre, and the added trailer dynamic caused to the stability and safe operating of the quad bike.

[31] WorkSafe did not consider the fact that Mr Anderson was not wearing a helmet at the time to have been a factor contributing to his death. On the basis of Dr Nicholson's findings as to the cause of Mr Anderson's death, I agree it would seem unlikely that his use of a helmet would have changed or improved his outcome.

Are any comments or recommendations required to prevent future deaths?

Quad bike deaths remain a persistent concern

[32] There are estimated to be more than 100,000 quad bikes in use in New Zealand in a variety of commercial farming and recreational settings. Unfortunately quad bikes continue to feature in farm related fatalities with some regularity. WorkSafe report that every year 850 people are injured on farms riding quad bikes, and five people die (with three already in 2017). Quad bikes are involved in approximately 28% of all work-related farm deaths.

[33] Previous coroners' findings have highlighted the popularity of quad bikes as the modern day farm horse, and the concomitant risks to the rider from the propensity of quad bikes to be error-intolerant. ACC's publication on quad bike safety¹ states quad bikes are deceptive beasts; they look solid, reliable and stable, like the sort of machine that pretty much anyone can get on without too much trouble and start riding, which is how a lot of people treat them. However, the publication stresses quad bikes are not all terrain vehicles (ATV's), they are inherently unstable and require skill to ride them properly and safely. Their limits must be recognised and respected.

[34] The quest for safer design and use of quad bikes is not new, nor is it unique to New Zealand.

[35] In late 2010 a campaign to reduce harm resulting from the use of quad bikes began by what was then the Department of Labour (now Ministry of Business, Innovation and Employment (MBIE)). Despite the public attention quad bike deaths have received, and the ongoing work done by government agencies such as WorkSafe and ACC, with input and support from industry organisations, quad bike deaths were reported to have reached a record high in 2016, with 14 deaths (workplace and non-workplace) as at October 2016.² Clearly quad bikes present a persistent cause for concern and there is still work to be done to prevent future deaths and serious harm.

¹ ACC, "Quad Bike Safety: Tips on how to stay safe", available at:

<http://www.worksafe.govt.nz/worksafe/information-guidance/national-programmes/quad-bike-safety/new-quad-bike-guidelines-and-checklists>

² As reported by Radio New Zealand <http://www.radionz.co.nz/news/national/316367/quad-bike-deaths-at-record-high>. Workplace deaths accounted for five deaths in 2016 according to WorkSafe data available at:

<http://www.worksafe.govt.nz/worksafe/information-guidance/national-programmes/quad-bike-safety/statistics>

Use of implements/trailers with quad bikes

[36] Of relevance to the particular circumstances of Mr Anderson's death are Coroner Shortland's 2013 findings into a series of quad bike related deaths³ which recognised the use of attached implements or equipment, including trailers, and the trapping of the rider underneath the quad bike as common features. The lacuna of empirical research, and consequently evidence, as to the impact of after-market attachments or implements on the stability dynamics and functioning of quad bikes was noted at that time. In his findings Coroner Shortland encouraged manufacturers and industry leaders to actively address this gap in an effort to provide informed knowledge in this area.

[37] In November 2016 WorkSafe published a fact sheet on using a quad bike to tow⁴ which advises: "*Never use a quad bike to tow attachments which are too heavy, too wide, or are carrying an unbalanced load.*" The Fact Sheet further states:

Manufacturers address loading in different ways. Some simply say to reduce towing weight when towing on uneven (not completely flat) land. Refer to the owner's manual to determine both maximum safe tow weight and the extent to which the terrain reduces that safe weight.

And further:

It is important to remember that when riding a quad bike with a loaded trailer you should not expect to navigate the same paths as easily and safely as when it has no trailer. You may need to alter your use of the quad bike or change your route in order to remain safe.

Rider behaviour and education

[38] Research published in 2012 surveyed 386 non-fatal quad bike accident victims (aged 15 and over) between 2009-2010 whose claims were accepted by ACC. That research revealed the following quad bike accident victim profile:⁵

The quad bike accident victims were largely middle-aged or older Pakeha men, who were farm owner/managers or self-employed. Most were untrained in quad bike use but experienced in farm work and riding quad bikes, although around one in 10 had no experience of working on farms. Younger respondents (aged 15-44 years) had more experience riding quad bikes than farming.

The quad bike victims were usually the rider of the quad bike, at work on the farm, using the quad bike for work purposes. ...

At the time of the accident, a large proportion of the quad bikes were towing an implement (a potential hazard), but in contrast, only a small proportion were carrying a

³ Carlos Mendoza (CSU-2010-WHG-000185); John McInnes (CSU-2010-WHG000188); Suzanne Ferguson (CSU-2010-WHG-000160); Grant Cornelius (CSU-2011-AUK-001161); and Willem Van Der Pasch (CSU-2011-HAM-000424).

⁴ Fact sheet available at <http://saferfarms.org.nz/fact-sheets/using-a-quad-bike-to-tow/>

⁵ Labour and Immigration Research Centre, "Quad Bikes: A Look at the Safety Behaviour of Accident Victims," November 2012, available at <http://www.worksafe.govt.nz/worksafe/information-guidance/all-guidance-items/quad-bikes-a-look-at-the-safety-behaviour-of-accident-victims>

load (also a potential hazard). In addition, a small proportion had a rollover protection device fitted. ...

[39] Mr Anderson is a close fit to the quad bike victim profile and sadly the circumstances of his death are by no means unique.

[40] Rider education with resulting changes in rider behaviour will continue to play a vital role in reducing quad bike injuries and deaths. Much of what is now known about quad bike safety was information not readily available to Mr Anderson at the time of his death, or to Mr Cullen as the person in charge of Mr Anderson's work on Cullen Farm.

[41] Given the reach of public awareness campaigns, and accessibility to information relating to the safe operation and use of quad bikes available on numerous websites,⁶ there is a legitimate expectation and onus on users and those who supervise quad bike use to ensure they are *au fait* with current guidance on safe quad bike use. This includes knowing and respecting the capabilities and limits of a quad bike (and whether a quad bike is the right vehicle for the job), being physically and technically competent to handle the quad bike safely (including riding actively, knowing your capabilities), and knowing how use of implements or trailers, or sloping terrain, impact on quad bike handling and capabilities. Taking a skills-based training course, even for experienced riders, is widely promoted is the published safety guidance as a practical way to hone riding skills and also guard against any complacency that comes with rider experience.

[42] A workplace culture where there is regular communication and discussion between everyone working on a farm about both ever-present and changing risks is also identified by safety experts and regulators as a simple way to effect positive safety outcomes.⁷

Roll over protection

[43] The use of Roll Over Protection (ROP) devices (also known as Operator Protective Devices (OPD) and Crush Protection Devices (CPD)), was identified by Coroner Shortland in his 2013 findings as perhaps the most controversial issue associated with quad bike safety. He referred to polarised views on whether ROP devices enhanced or undermined quad bike safety. He noted a trans-Tasman working group had been established, of which MBIE was a member, to consider quad bike design improvement issues, in particular ROP devices. While the working group questioned the validity of manufacturer claims that ROP devices increased the chances of rider injury, the group had been unable to reach an overall consensus on ROP device safety.

[44] Since then this issue has been the focus of further research. In 2016 the Quad Bike Workplace Safety Project (QBWSP) was undertaken by the Australian Transport and Road Safety (TARS) Research Centre at the University of New South Wales, under contract to SafeWork NSW. This followed coronial recommendations that such work be undertaken.

[45] The QBWSP is described as: "...the largest survey carried out to date of the in-field workplace experiences of quad bike riders in regard to their use of Operator Protective Devices (OPDs: a rollbar type device attached to the rear of the quad bike) and quad bike specific helmets for Australia, and includes New Zealand." The objectives of the project were primarily

⁶ See for example: www.saferfarms.org.nz; www.WorkSafe.govt.nz; www.farmlands.co.nz

⁷ <http://www.stuff.co.nz/business/farming/94550969/still-too-many-quad-bike-fatalities-safety-expert-says>

to: “identify if the fitment of OPDs caused harm to riders in a rollover crash in the workplace environment (farming, forestry, etc), and to what extent are OPDs protective in rollover incidents involving quad bikes”. This multi-faceted survey study was sought to address the lack of information on actual in-field performance of OPDs in rollovers, as opposed to published findings from computer modelling and other tests.

[46] The QBWSP report⁸ presents the results of the study of the safety experience of Australian and New Zealand workplace quad bike riders with and without an OPD and helmets. The summary findings in relation to OPD are reported as follows:

The question that arises is whether in particular a Quadbar or Lifeguard OPD causes harm, and whether they are effective in reducing serious injuries (hospitalisation) in rollovers. From all the survey study results, there were no cases of serious chest or head injuries involving such OPDs, thus these OPDs appear to not cause serious chest and head injuries. However, it is recommended that ongoing surveillance of the performance of OPDs be maintained.

There have been rollover events in which OPDs have had a protective benefit, but there have also been rollover cases where the presence of the OPD has contributed to injury, and in fact caused a crash (Quadbar striking low hanging branches). OPDs are not designed to, and simply cannot, protect against all potential injuries in a Quad bike crash. The purpose of an OPD, (according to the manufacturers of the Quadbar™ and Lifeguard™ devices) is to act as a crush prevention device. An OPD aims to reduce the likelihood a Quad bike will roll over or onto the chest of the rider. It is acknowledged by OPD manufacturers and the research team that an OPD could be injurious to the rider in some crash circumstances. Nevertheless, from all the survey study data, there were no cases of serious chest or head injury involving either a Quadbar or Lifeguard OPD in a rollover crash. Further, the infield data is suggestive that Quadbar or Lifeguard OPDs reduce to some extent serious chest injuries in rollovers.

However, it is recommended that on-going monitoring is maintained, and a larger sample size be obtained in the future to determine more precise estimates of the benefit of fitting Quadbar and Lifeguard OPDs to Quadbikes.⁹

[47] Several Australian states have introduced rebate schemes which variously provide a financial incentive to offset the cost of fitting ROP devices or purchasing alternative vehicles such as side-by-side vehicles or small utility vehicles. Mr Anderson’s quad bike was not fitted with ROP. It is impossible to say that had it been, he would not have suffered a fatal outcome. It seems likely however that his chances of survival would at least have been greatly improved.

[48] On the basis of this recent research it would seem timely for New Zealand agencies with a mandate to set, implement and enforce quad bike standards and safety to revisit the position on mandating ROP.

Australian initiatives

[49] It is useful to look to other jurisdictions to consider whether anything can be learned from their current approaches to enhancing quad bike safety and reducing death and serious injury

⁸ Available at <http://www.quadbike.unsw.edu.au/>

⁹ Above n5, at p14.

resulting from quad bike use. The recently published first cross-country study examining patterns of quad-related fatality in Australia and New Zealand¹⁰ identified fatality patterns are broadly similar and support harmonised cross-country injury prevention efforts. The authors conclude emphasis should be placed on higher order elimination and substitution injury controls, drawing on safe design and engineering principles, and these should then be supplemented by lower order behavioural interventions to reduce the injury burden.

[50] Initiatives by workplace health and safety regulators in Queensland, New South Wales and Victoria include safety rebate programmes for quad bike training, OPD fitting, and purchasing of alternative vehicles (e.g. side-by-side vehicles (SSV) or small utility vehicles (SUV)).

[51] Regulatory initiatives include WorkSafe Victoria's announcement on 1 March 2016¹¹ of a revised approach to quad bike use in which operator protection devices fitted to a quad bike is accepted as a means of reducing the risk to operators in the event of a rollover. When announcing the new approach WorkSafe Victoria's Executive Director of Health and Safety stated there was enough collective evidence from several coronial inquiries, hospital injury data and academic research to convince WorkSafe that this was the right thing to do. She said: "The simple fact is that doing nothing is no longer an option."

[52] In addition, in recent weeks the NSW government has called for a national five star safety rating system for quad bikes and invited manufacturers to work with the government to develop the system. NSW Better Regulation Minister Matt Kean stated that the government will prevail on manufacturers to build safer quad bikes. He also reports the NSW government has the support of his commonwealth counterpart to lead the way in developing a mandatory national safety rating system for quad bikes.¹²

Findings

[53] I find that Neville Ian Anderson died in a paddock located at 557 Berwick Road, Clarendon, Milton on 24 September 2014 as a result of a crash of the quad bike which he was riding.

[54] The cause of Mr Anderson's death is that set out in Dr Nicholson's report, namely, by crush injury to his chest with possible chest compression resulting in asphyxiation.

Recommendations

¹⁰ Rebecca Lilley, Tony Lower, Gabrielle Davie, "Towards a harmonised approach to reducing quad-related fatal injuries in Australia and New Zealand: a cross-sectional comparative analysis", Aust NZ J Public Health, 2017; online; doi 10.1111/1753-6405.12675

¹¹ <http://www.worksafenews.com.au/component/k2/item/478-new-approach-designed-to-make-quad-bike-use-safer.html>

¹² <http://www.abc.net.au/news/2017-07-18/-quad-bike-deaths-calls-for-national-safety-rating-system/8719848>

[55] Pursuant to section 57(3) of the Coroners Act 2006, having regard to the specific circumstances of Mr Anderson's death, I recommend that New Zealand agencies with a mandate to set, implement and enforce quad bike standards and safety consider:

- a. whether the QBWSP findings provide a case for ROP devices to be mandated for all quad bikes;
- b. whether a rebate or subsidy programme for rider training, purchase and fitting of ROP devices, and purchase of alternative vehicles should be introduced for farmers and their employees who use quad bikes in performance of their farming activities;
- c. whether a national five-star safety rating system for quad bikes should be introduced.

[56] Identifying which agency or agencies have the mandate to set, implement and enforce quad bike standards and safety has not been a straightforward task. My enquiries have identified that WorkSafe New Zealand has functions and responsibilities that best align with recommendations of the nature I set out above. Other agencies and industry bodies, such as ACC, New Zealand Transport Agency, and Federated Farmers will plainly have a keen interest in any proposals to improve quad bike safety and reduce quad bike trauma and death.

[57] Prior to finalising my recommendations I invited comments or submissions from WorkSafe NZ, NZTA, and ACC. ACC advised that they had an interest in the outcome of my recommendations but did not appear to consider themselves an agency that had a mandate to implement the recommendations to any degree. NZTA advised they concurred with my recommendations but like ACC advised that implementation of these recommendations was not in their 'sphere of influence'. I did not receive any substantive comments or submissions from WorkSafe NZ.

[58] I understand there was previously a cross-agency working group convened to consider the safety issues related to quad bikes in New Zealand. I have not been alerted to the current existence of such a working party. In light of the recent developments in the Australian jurisdiction it would seem timely for such a working group to reconvene and consider a whole-of-government approach to the recommendations I make.

[59] I therefore direct that a copy of these Findings be sent to the Chief Executives of:

- a. WorkSafe New Zealand
- b. New Zealand Transport Agency
- c. ACC
- d. Federated Farmers

Non-publication order

[60] Pursuant to section 74 of the Coroners Act 2006, I make an order prohibiting publication of any photographs Police may have taken that show the deceased. In making this order I have considered the criteria set out in *Gravatt v The Coroners Court at Auckland and Auckland District Health Board*. My reasons are:

- (a) It is in the interests of decency and personal privacy that photographs of the deceased should not be published.
- (b) There is little public interest in photographs such as these being published. An infringement on freedom of speech is therefore justified in this respect.

I extend my deepest condolences to Mr Anderson's family, friends and colleagues for their loss.

A handwritten signature in black ink, appearing to read 'Brigitte Windley', written in a cursive style.

Coroner Brigitte Windley