



**SAVE THE QUAD BIKE
IN AUSTRALIA**



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MEDIA RELEASE

Dealers contribute funds to fight Scott Morrison as lawyers compare quad-gate fiasco with live export federal court ruling

Preliminary legal advice suggests the decision by the current Assistant Treasurer Michael Sukkar to force globally respected manufacturers out of Australia - now labeled **quad-gate** due to the cosy relationships between Ag senior executives and departmental officials in Canberra - has very similar legal precedence to the Federal Court case, *Brett Cattle Co v Federal Minister for Agriculture*, that the Federal Government recently lost.

Craig Hartley, founder of Save the Quad Bike in Australia, “With the *Brett Cattle Co* court case, you’ll note they argued the Minister committed the tort of misfeasance in public office, by banning live exports. They argued and won, on the basis of highlighting the Minister acted ‘recklessly’ with little regard to the consequences.

“Moreover, it was argued the Minister ‘abused, or misused’ his power in making the decision. When you look at **quad-gate** there are some very eerie similarities and dealers now want to fight.”

As many people know the *Consumer Goods (Quad Bikes) Safety Standard 2019* was tabled by the Assistant Treasurer Michael Sukkar on 10 October 2019. The *standard* mandates the fitting of Operator Protection Devices (OPDs) to all new quad bikes sold in Australia - against internationally peer reviewed science. It threatens the closure of hundreds of dealers as globally respected manufacturers have no choice but to leave Australia.

Craig Hartley continued, “The fact that powerful peak industry groups are walking away from the Morrison Government on this, isn’t necessarily the issue.

“Lawyers are arguing that similar to *Brett Cattle Co* it’s clear the Assistant Treasurer Michael Sukkar acted recklessly on **quad-gate** and with little regard to the economic and social ramifications of his decision.

“The economic loss to hundreds of dealerships and rural and regional towns, is huge. Estimated to be over \$800M annually and yet none of this was taken into consideration; with the Minister’s own ‘*Explanatory Statement*’ tabled before Parliament advising that the ACCC had ‘*self-certified*’ the regulatory impact of the decision.

“Justice Rares described the Ministers actions in *Brett Cattle Co* as “invalid and capricious” and that the Minister had been “recklessly indifferent” both in regard to his power to institute the decision, without providing any power of exception, and with almost no consideration given to the injury the decision had on businesses.

“In our view the law requires a decision-maker - Michael Sukkar - when using a wide power, not to make unnecessary limitations on the common law right of persons to carry on their lawful business. The action must be proportional to the risk and yet on **quad-gate**, the Minister has made it impossible for hundreds of dealers to remain viable.

“One test to ascertain if a provision is unnecessary, is to consider if there is an obvious and compelling alternative. On quad bikes, there was always a raft of alternatives, that would have delivered so much more for on-farm safety - these alternatives were based on education and training and working with manufacturers to solve the problem.

“And yet, the Minister and the ACCC refused to entertain any alternatives, choosing instead to enact a single legislative instrument; even though they knew from day one that doing so would force globally respected manufacturers out of Australia,” ended Hartley.



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Save the Quad Bike in Australia (STQBIA) is a campaign sitting under the national umbrella of the Australian Motorcyclists Association Inc (ATV Division).