

Australian Capital Territory

# Road Transport (Safety and Traffic Management) Child Safety Equipment Approval 2017

Disallowable instrument DI2017-203

made under the

***Road Transport (Safety and Traffic Management) Regulation 2000, Section 66 (1) (b) Power to approve a booster seat as an approved booster seat, Section 66 (1) (c) Power to approve a child restraint as an approved child restraint, Section 66 (1) (d) Power to approve a child safety harness as an approved child safety harness***

## EXPLANATORY STATEMENT

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Section 66 (1) (b) of the *Road Transport (Safety and Traffic Management) Regulation 2000* provides for the road transport authority to approve a booster seat as an approved booster seat.

Section 66 (1) (c) of the *Road Transport (Safety and Traffic Management) Regulation 2000* provides for the road transport authority to approve a child restraint as an approved child restraint.

Section 66 (1) (d) of the *Road Transport (Safety and Traffic Management) Regulation 2000* provides for the road transport authority to approve a child safety harness as an approved child safety harness.

This instrument replaces the three current instruments that approve these seatbelts for passengers under 16 years old.

Rule 266 in the Australian Road Rules provides that the driver of a motor vehicle (except a bus or motorbike) that is moving, or is stationary but not parked, must ensure that each passenger under the age of 16 years old is wearing a seatbelt. The Rule details the specific types of restraints required to be worn by passengers under the age of 16 years. The type of restraint required is based on the age of the passenger.

Child restraints in Australia are all manufactured to Australian/New Zealand Standard *Child restraint systems for use in motor vehicles* (AS/NZS 1754). The objective of this standard is to provide minimum design, construction and performance requirements for child restraints in order to provide a high level of protection for children travelling in motor vehicles. This standard is regularly revised and amended. It was most recently revised in 2013. The main amendments to the standard included

additional type designations and the shoulder height marker system for transition markers for type A and B child restraints.

AS/NZS 1754 has been the applicable standard for child restraints in the ACT at least since 2011. This standard is one of the toughest in the world so child restraints manufactured to this standard offer good protection in a crash.

The 2004, 2010 and 2013 versions of this standard form the basis for the mandatory standard for supply of child restraints under product safety laws. The current mandatory standard came into effect on 19 September 2014. Suppliers cannot legally supply products into the Australian market if they do not comply with the mandatory standards. Child restraints in Australia must be labelled with an Australian standards sticker for the standard AS/NZS 1754.

This instrument allows for the use of child restraints that meet the latest version of AS/NZS 1754, and also accommodates the use of child restraints that were manufactured to earlier versions of that standard.

This instrument also approves child restraints manufactured to Australian/New Zealand Standard *Restraint of children with disabilities or medical conditions in motor vehicles* (AS/NZS 4370). This standard sets out options for a child who has one or more disabilities, or a medical condition and a child restraint manufactured to AS/NZS 1754 is not suitable due to that child's disability or medical condition. This standard was originally introduced in 1996 and was amended in 2013. It has been incorporated into this instrument to clarify the requirements for children with a disability or medical condition, thus ensuring that there is no ambiguity about what child restraints must be used and that the risk of bodily injury in an impact situation is minimised for all children.

The instrument also refers to Australian/New Zealand Standard *Accessories for child restraints for use in motor vehicles* (AS/NZS 8005) which was introduced in 2013 to provide additional requirements for accessories and add-on devices to be used with child restraints under AS/NZS 1754 and items used to improve the comfort or fit of adult restraints for children.

Clauses 1 and 2 are formal provisions that deal with the name and commencement of the new instrument.

Clauses 3, 4 and 5 approve booster seats, child restraints and child safety harnesses for the use of passengers under the age of 16 years. It refers to the Australian Standard AS/NZS 1754 and AS/NZS 4370. Approved child restraints are marked with the letters and numbers AS/NZS 1754, unless prescribed under AS/NZS 4370.

These clauses are designed to provide clarity on the standards that apply in the ACT for child restraints and do not change the interpretation of the standards. Two new standards have been referenced. One of these standards did not come into effect until 2013. The inclusion of these standards ensures that all passengers under the age of 16 are covered and special approval is not required for seatbelts for passengers under the age of 16 with a disability or medical condition.

These clauses also provide for a situation where a passenger cannot wear a seatbelt that meets either of the standards (AS/NZS 1754 and AS/NZS 4370) but is complying with conditions set out in a medical certificate issued by a medical practitioner.

The purpose of Clause 6 is to disapply the provisions of section 47 of the *Legislation Act 2001* which would otherwise require notification of instruments applied by reference (in this case the Australian/New Zealand Standards referred to in clause 7). The standards referenced are technical in nature and describe performance standards with which a child restraint must comply. Due to this it is considered that the standards are technical in nature and are unlikely to be accessed by members of the public. As noted above all child restraints sold in Australia must comply with these standards and be labelled with an Australian standards sticker indicating it complies with AS/NZS 1754.

Summary guides and information booklets are provided by a number of organisations (for example, Kidsafe, Neuroscience Research Australia and motoring associations) that provide easily digestible information on the use of restraints for passengers under 16 years old, including photos showing how to install and use child restraints appropriately.

The standards are regularly updated and are copyright. The ACT Government's access to the standards is regulated by terms and conditions that govern how they can be used and disclosed. The standards referenced in clause 7 can be purchased from the publisher SAI Global in either electronic or paper versions through the Standards Australia website ([www.standards.org.au](http://www.standards.org.au)) or on 131 242. Alternatively, a copy of the relevant Australian Standards can be viewed by contacting [roadsafety@act.gov.au](mailto:roadsafety@act.gov.au) to organise a viewing time during business hours.

Clause 7 sets out definitions used in the instrument.

Clause 8 revokes the previous instruments that approved the three different types of child restraints.

This determination will commence on notification and will remain in force until it is amended or revoked.

There are no human rights or climate change implications arising from this instrument.