

## **New child restraint laws in South Australia effective 1 July 2010**

The Australian Road Rules currently require that children less than 12 months of age must be restrained in a suitable approved child restraint. However, children between 12 months and 16 years of age must be restrained in an approved child restraint or a properly fastened seatbelt, where one is available.

The [Australian Transport Council](#) (comprising of Transport Minister's from across Australia) has approved new laws which will introduce a mandatory, size-appropriate restraint system for all children up to the age of 7. This change will significantly improve the safety of children when travelling in vehicles.

In South Australia alone, nearly 60 child passengers aged from birth to 16 years are killed or seriously injured each year. One third of these are aged from birth to 8 years.

A further 376 sustain minor injuries every year. Half of passenger deaths and a quarter of those seriously injured in this age group were not wearing a restraint at the time of the crash.

Research also suggests that children are being moved into bigger seats – or are prematurely graduating to seatbelts alone – when this is not appropriate for their size. Adult seatbelts do not fit properly over a small child's lap and shoulder, exposing the child's abdomen and neck to serious injury in the event of a crash. A child that is properly secured in an approved child restraint is less likely to be injured or killed in a car crash than one who is not.

To provide maximum protection for children travelling in vehicles, the new child restraint laws will be adopted in South Australia and are likely to be introduced across all jurisdictions in due course.

### **What the new laws mean**

The new laws will require children to be appropriately restrained in a motor vehicle in a suitable approved child restraint from birth up to the age of seven.

Specifically, the new laws will require children:

- up to the age of six months to be restrained in a rearward facing child restraint (e.g. infant capsule)
- from six months until the age of four to be restrained in either a rearward or forward facing child restraint (e.g. child safety seat)
- from four years until the age of seven to be restrained in either a forward facing child restraint or booster seat restrained by a correctly adjusted and fastened seatbelt or child safety harness.

The new laws also deal with the issue of children sitting in the front seat of a vehicle.

- Children up to four years of age must be restrained in the rear of the vehicle (where the vehicle has two or more rows of seats)
- Children aged between four and seven years will not be permitted to sit in the front seat unless all other seating positions are already occupied by children under seven.

By specifying the type of restraint to be used at different ages and where children must be seated in a vehicle, the new laws will reduce the risk of injury caused by the use of unsuitable restraints for a child's size.

It will also provide parents and carers with the advice and clarification they need about what type of restraint provides the best safety benefit for their children.

Nothing else offers the same level of crash protection for babies and young children as a properly fitted child restraint – it is one investment that parents and carers alike can't afford not to make.

### **When will the new laws come into effect?**

The new laws will come into effect 1 July 2010, enforcement penalties will apply from 1 October 2010. This delay is intended to provide parents and carers with sufficient time to purchase (or arrange to hire) the restraints they need, or to make necessary modifications to their vehicle to accommodate the restraints.

For your child's safety, the Government urges all parents and carers to ensure they comply with the new rules as soon as possible.

Parents and carers will be provided with further information as it becomes available.

### **What if the recommended restraint isn't suitable for my child?**

While the new laws aim to cater for the majority of children, a provision will be included to ensure a child is not required to use a restraint unsuitable for their size and weight (for example a child who is too tall or heavy for the restraint must use a restraint for the next age category).

In addition, Standards Australia are currently developing a standard for larger booster seats suitable for children up to 36kg. This will allow parents to keep children in boosters for longer and it will be particularly useful for children under the age of seven who have outgrown their booster, which currently only takes up to 26kg in weight.

### **Why do the new rules refer to age instead of size or height and weight?**

Research conducted by the Centre for Automotive Safety Research indicates that regulations specifying child restraint usage by age (rather than by height or weight) will result in the smallest number of children being inappropriately restrained. Guidelines are also easier for parents and carers to understand and follow if given in terms of age.

However, as there can be wide variations in the height and weight of children of the same age, if your child is too large for the suggested restraint, provisions will be in place to graduate them to the next level, providing they are still properly restrained.

## **Exemptions**

### **Bus drivers**

Bus drivers will continue to be exempt from ensuring passengers under 16 years of age are restrained.

Under the Australian Road Rules, a "bus" is defined as a motor vehicle designed to carry over 12 adults (including the driver). If the vehicle involved is designed to carry 12 adults or less (including the driver) it is not a bus and the driver is not exempt from ensuring all passengers are appropriately restrained.

### **Taxi drivers**

Taxi drivers are not required to provide child restraints or booster seats. Taxi drivers are exempt from responsibility for passengers under 1 year old but must ensure children over 1 year old are seated in the back seat with a properly fastened seatbelt if no child restraint is available.

Taxi drivers will continue to be responsible for ensuring passengers between the ages of 7 and 16 are appropriately restrained.

**Other exemptions include:**

- Motorcycles.
- A person who can present on request a certificate signed by a medical practitioner.
- A person who can present on request an exemption issued by the Minister for Transport.
- A person travelling in a historic vehicle that is registered and driven in accordance with the conditions of registration.

**Who is responsible for ensuring children are appropriately restrained when travelling in a vehicle?**

By law, drivers are responsible for making sure that all occupants (including themselves) are appropriately restrained. Drivers will be fined and incur demerit points if passengers are unrestrained when travelling in a vehicle.

This rule does not apply to drivers of buses or motor bikes. Under the new rules, taxi drivers will not be responsible for ensuring children under 7 years of age are appropriately restrained, or for passengers over 16 years as is currently the case.

**NOTE – Under the Australian Road Rules, a bus is defined as ‘a motor vehicle designed to carry over 12 adults (including the driver)’. If the vehicle involved is designed to carry 12 adults or less (including the driver) it is not a bus and the driver is not exempt from ensuring all passengers are appropriately restrained.**

**Penalties for not wearing a seatbelt or suitable approved child restraint**

The responsibility for children under 16 years using a restraint correctly rests with the driver.

Drivers will be fined \$240 and incur 3 demerit points if one passenger is not wearing a seatbelt or suitable approved child restraint.

Drivers will be fined \$292 and incur 5 demerit points if more than one passenger is not wearing a seatbelt or suitable approved child restraint.

**Approved Child Restraints**

Approved child restraints comply with Australian Standard (AS) 1754 and must be correctly anchored to the vehicle using an Australian Standard’s approved anchorage system. The child restraint must be correctly fitted and properly adjusted for the child using the restraint at all times.

All child restraints sold in Australia must meet the same Australian Standard AS 1754. However, independent testing has shown that some restraints provide more protection and are easier to use than others. When purchasing a restraint consider the following:

- suitability for your child in relation to their age, weight and size
- size of the seat and vehicle
- restraint’s features, materials and ease of fitting
- warranty and after sales service and advice.

Restraints bought in other countries will not meet the Australian Standard - it is illegal to use them in Australia.

Approved restraints are easily recognised by the following certification marks:



Restraints approved to an earlier Australian Standard, E46, may also be used but they are not recommended as they are very old and may have deteriorated to the point where they are no longer safe.

The [RAA website](#) is able to provide parents and carers with recommendations on the safest restraint for each child at every stage of their growth.

### Types of child restraints available

Standards-approved, size-appropriate restraints already exist in Australia. As children grow, they require different sorts of approved child restraints.

<b>Infant capsule Birth - 6 mth</b>	A rearward facing restraint for infants up to 9kg (birth to approx six months old). It has its own inbuilt harness system. These restraints are also known as rearward facing child restraints. They all use a top tether.
<b>Child restraint 6 mth - 4 yr</b>	Rearward-facing infant restraint or forward-facing child safety seat with an inbuilt harness.  A forward facing seat for children between 8-18kg (approximately six months to four years old). It has its own inbuilt harness system. These restraints are also known as forward facing child restraints. They all use a top tether.
<b>Child restraint or booster seat 4 -7 yr</b>	Forward facing child safety seat with an inbuilt harness or Booster seat and be restrained with a properly fastened and adjusted seatbelt or child safety harness.  A device that increases the child's seated height when using a seatbelt. These restraints are also known as boosters. The Standard defines booster seats as being suitable for children between 14-26kg (approximately four up to seven years old). Older style boosters were just a cushion. Recent designs have a seat back and some have side wings that support and protect the head. A booster seat is restrained by a properly adjusted seatbelt or child safety harness. Some boosters use a top tether.
<b>Child safety harness</b>	A device that can be used in conjunction with a booster seat up to the weight of 26kg. Once the child has grown out of the booster seat a child safety harness can be used up to 32 kg without a booster if the child is unable to wear the seatbelt correctly.
<b>Convertible child restraint</b>	One that can be used in more than one mode. For example a restraint combining an infant capsule and child seat, or combining a child seat and booster seat are commonly referred to as convertibles.

### Second-hand child restraints

It may be cheaper to buy a second-hand restraint, but you'll need to check its safety history. If you are uncertain about the safety history of a second-hand restraint, it is recommended that you look for alternatives where the safety history is known.

**Check for obvious signs of wear** – harnesses that are frayed or faded or if the plastic shell or buckle is cracked or broken. Only use restraints which carry the Australian Standards 1754 Mark. Restraints that don't carry this mark do not comply with the Australian Road Rules and may compromise the child's safety in the event of a crash.

**Test the buckle and adjusters** to make sure they work properly and ask for the instruction manual. If it's missing, get the manufacturer to send you a copy.

Important note: restraints that use Velcro bindings can no longer be sold, hired, donated or given away. Never use a restraint which has been involved in a crash.

### **Can I use my existing child restraint?**

Yes, if it complies with AS 1754, is not more than 10 years old and is in proper working order.

### **Restraints 10 years or older**

It is not recommended that a child restraint be used after ten years of age because:

- Restraints older than ten years cannot be guaranteed to perform as they were originally intended and
- The Australian Standards have been improved significantly since 1991 and were updated in 1995, 2000 and 2004. Older restraints will not meet new improved design features.

### **Hiring child restraints**

It's worth considering hiring a restraint for short term use - it's economical and you won't have the problem of finding storage space once you no longer need it. It also allows you to get the most appropriate restraint for your child's age. A number of organisations provide this service, such as the [Australian Red Cross](#) and [Hire for Baby](#).

### **Cars that best accommodate child restraints**

Consider a car with a centre lap/sash seat belt. You can also have the back seat lap-only belt replaced with a lap/sash belt in some cars. But make sure there's a centre rear anchorage point if you want to use that position for a restraint.

Ensure the anchorage points aren't too close to the seat back for the tether strap to be adjusted properly - some cars have this problem.

Check your seat belts are long enough to use with your child restraint when it's in the recline position and when using a child safety harness with a booster.

Make sure you choose a car that will carry the number of restraints you need. Not all cars have wide enough back seats to carry three restraints at once.

<b>Station wagons</b>	Make sure you fit a cargo barrier that complies with Australian Standards. Ensure that the cargo barrier has the required opening for the upper tether strap to pass through to the anchorage point.
<b>Hatchbacks</b>	Check there's a clear path between the back seat and the rear anchorage point so the parcel shelf doesn't interfere with

	<p>adjustment of the tether strap.</p> <p>Luggage and some large items carried in the back often obstruct top tether straps.</p> <p>Some hatchbacks can also be fitted with cargo barriers or cargo nets.</p>
<b>People Movers</b>	<p>Child restraints may reduce the seating capacity in some people movers, so make sure the restraint won't interfere with your requirements.</p> <p>People movers don't always have anchorages for each seating position. Check this first, especially if you are going to carry a number of children in restraints.</p>
<b>Two-door cars</b>	<p>It's often difficult to fit and use restraints in two-door cars. You may also hurt your back getting children in and out.</p>
<b>Small cars</b>	<p>A small car may not have enough room to comfortably fit a convertible restraint and a front passenger at the same time.</p>

### **Is it possible to fit three child restraints across the back seat of my car?**

There is considerable variation in the types of child restraints and brands available for purchase. It will depend on both the child restraints chosen, including the combination of restraints required to appropriately restrain your children and the make and model of your car to know whether this is possible.

Don't forget - you will also need to find out whether there are enough anchorage points in your vehicle with which to fit the restraints. If you are unsure where the anchorage points are located in your vehicle, refer to the vehicle owner's manual under the section of "Child Restraints" or "Child Restraint Anchorage Systems".

### **I am picking someone up from the airport and they have a young child. Do I need a child restraint?**

Yes. It is the driver's responsibility to ensure restraints are fitted and used. If the visitor cannot bring their own restraint, a restraint can be hired. If they choose to use a taxi, they will not be required by the law to use a restraint if the child is under 7 years of age; however the Department for Transport, Energy and Infrastructure recommends always using child restraints in order to provide the best protection for a child in the event of a crash.

### **Tips for using seatbelts or child restraints effectively**

Seatbelts and restraints will only work with maximum effectiveness if they are appropriate for the age and size of the passenger. Seatbelts and harnesses should:

- fit snugly
- be in good condition, not frayed, stretched or worn
- be strong and fastened comfortably – not too tight or loose
- be easy to use
- lie flat – not twisted
  
- not make contact with the face or neck of the child.

Have a buckle that works.

Teach your children about the importance of restraints and seatbelts – and don't start the car until they are all correctly restrained. Airbags in a vehicle do not replace seatbelts and restraints.

Children can contribute to seatbelt safety by remembering and reminding all other car occupants to buckle up – every time they travel.

Always use seat belts and child restraints that are Australian Standards

## Tips for using seatbelts or child restraints effectively

approved and correctly installed.

Always ensure that a seatbelt is worn properly adjusted and fastened. A properly adjusted seatbelt must pass over the pelvis and hips, not touch the wearer's head or neck, and is adjusted so the buckle is at or below the level of the hip. When using a child safety harness, be sure not to over tighten the top strap as this will result in the lap part being incorrectly pulled up over the abdomen.

## Tips for transporting children safely in vehicles

Never leave toddlers or babies unattended in a motor vehicle.

Make sure your child is transported in an appropriate and correctly installed child restraint, even if they are asleep.

Set a good example for your children by always using a seatbelt yourself.

Regularly check that the seatbelt used to secure the child restraint has not been unlatched by other passengers.

## Further information

RAA Child Safety Centre  
101 Richmond Road  
Mile End SA 5031  
Ph: (08) 8202 4592  
Email: [childrestraints@raa.com.au](mailto:childrestraints@raa.com.au)  
Website: [www.raa.net](http://www.raa.net)

The RAA has long been providing parents and carers with independent and comprehensive child restraint advice. They have experts on hand focussed on providing advice on the safest child restraint available for your child at every stage - from infant through to toddler and into an adult seatbelt.

The RAA Child Safety Centre is located at the Mile End office, and offers a fitting and checking service, by appointment for members and non members, together with an independent advisory service to assist in the selection of a suitable restraint. All RAA branches also stock the Child Restraints recommended by the RAA and can provide advice on the safe use of these seats.

You may contact the RAA Child Safety Centre on (08) 8202 4592 or email [childrestraints@raa.com.au](mailto:childrestraints@raa.com.au).

## RAA Office Locations

### Metropolitan

Adelaide  
55 Hindmarsh Square  
Mon- Fri 8:30- 5:00pm  
Sat 9:00am – 12:00pm  
Elizabeth  
1/3 Elizabeth Way  
Mon- Fri 8:30- 5:00pm  
Sat 9:00am – 12:00pm  
Marion  
455 Morphett Road Oaklands Pk  
Mon- Fri 8:30- 5:00pm  
Sat 9:00am – 12:00pm  
Modbury  
33 Smart Road

### Regional

Mount Gambier  
55 Commercial Street West  
Mon- Fri 8:30- 5:00pm  
Sat 9:00am – 12:00pm  
Whyalla  
25 Forsyth Street  
Mon- Fri 8:30- 5:00pm  
Sat 9:00am – 12:00pm  
Broken Hill  
320 Argent Street  
Mon- Fri 8:30- 5:00pm  
Sat 9:00am – 12:00pm

## **RAA Office Locations**

### **Metropolitan**

Mon- Fri 8:30- 5:00pm  
Sat 9:00am – 12:00pm

Morphett Vale

105 Main South Road (cnr Flaxmill Rd)

Mon- Fri 8:30- 5:00pm  
Sat 9:00am – 12:00pm

West Lakes

139 Brebner Drive

Mon- Fri 8:30- 5:00pm  
Sat 9:00am – 12:00pm

### **Regional**

## **Red Cross Baby seats**

31 Sir Donald Bradman Drive

Mile End SA 5031

Ph: (08) 8443 9700

Open Monday - Friday

Email: [babyseats@redcross.org.au](mailto:babyseats@redcross.org.au)

Website: [www.redcross.org.au/babyseats](http://www.redcross.org.au/babyseats)

Red Cross Baby Seats, are a team of child restraint professionals dedicated to maintaining the safety of children in cars. With over 75 years of combined experience in child restraints, why trust your child's safety to anyone else? They hire capsules, car seats and boosters short and long term and provide a professional installation service.

## **Kidsafe SA Inc.**

72 King William Road

North Adelaide SA 5006

Ph: (08) 8161 6318

Email: [sa@kidsafe.org.au](mailto:sa@kidsafe.org.au)

Website: [www.kidsafesa.com.au](http://www.kidsafesa.com.au)

Kidsafe SA provides an education and information service for parents and carers of children on all aspects of child safety and injury prevention. The Kidsafe Centre is located in the Main Foyer of the Kermode Street Entrance, at the Women's & Children's Hospital in North Adelaide. A wide range of information and resources in the form of brochures, fact sheets, DVD's and booklets are available, including information on child restraints. Staff are available to assist with individual enquiries, by telephone, email or in person.

## **Hire for Baby**

Ph: 1300 363 755

Website: [www.hireforbaby.com](http://www.hireforbaby.com)

Hire for Baby provides a hiring service and qualified restraint fitters provide complimentary fitting of hired capsules and car seats.