

Child Restraints – questions and answers

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Child restraints – questions and answers

Legislation and the new rules

Question: What are the rules relating to child restraints?

All children up to 7 years of age must be secured in a child restraint. A child may stop using a child restraint once they turn 7 years of age or if their seated shoulder height is above the top mark of the restraint or their eye level is above the back of the booster seat.

Question: What does up to seven mean?

Up to 7 years of age means a child that has not yet had their seventh birthday. Once a child has turned 7 they can legally be seated in an adult seatbelt.

Question: Why has this legislation been introduced?

The child restraint laws were introduced in all Australian states and territories to reduce the number of children being prematurely graduated to the next level of child restraint, or to no child restraint at all, and to reduce the effects of serious injury or death in the event of a crash.

Question: Why do the rules refer to age, rather than size or weight?

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

Child restraints

Question: What are the changes included in the new standard?

The new standard (AS/NZS 1754:2010) introduces new consumer information advising the suitability of child restraints based on approximate age and seated height rather than the previous weight range.

Shoulder height markers on the new child restraints will ensure that the seats are better used. This will prompt graduating the child to the next appropriate restraint once their shoulders reach the upper shoulder height marker.

The new standard will also prevent children from moving to the next level of child restraint if the child's seated shoulder height is below the lower mark on the device.

Question: There is a new standard for child restraints – am I still able to use my existing restraint?

Yes, provided it complies with the previous Standards:

- AS 1754-1991
- AS/NZS 1754-1995
- AS/NZS 1754-2000
- AS/NZS 1754-2004

Question: What type of restraint should I use for my child?

The child restraint must be an approved child restraint that complies with Australian Standards (AS1754 or AS/NZS1754). An approved child restraint will display an Australian Standards logo.

The following table is a guide for parents and carers to selecting a suitable child restraint.

Age	New Standard AS/NZS 1754:2010	Previous Standard*	Child restraint
0 to 6 months	If your child has reached this age, they should use the appropriate restraint until their shoulders reach the upper shoulder height marker.	Babies should stay in a rearward facing restraint for as long as their size allows. Check manufacturer's information and product guidelines to ensure correct usage.	Rearward facing infant restraint.
6 months – 4 years		Check manufacturer's information and product guidelines to ensure correct usage.	Rearward facing infant restraint or forward facing child restraint.

4 – 7 years		Check manufacturer's information and product guidelines to ensure correct usage.	Booster seat with lap-sash H-harness or a booster seat with a secured adult seatbelt.
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*Previous Standards that child restraints may still comply with include:

AS 1754:1991

AS/NZS 1754:1995

AS/NZS 1754:2000

AS/NZS 1754:2004

Question: If I am stopped by the Police, am I required to carry my child's birth certificate to prove their age?

You do not need to carry your child's birth certificate in the vehicle.

Question: Is it ok to use a child restraint that is 10 years old or older?

If a child restraint is more than 10 years old manufacturers generally recommend that these restraints are not used. However, the rule does not prohibit the use of child restraints older than 10 years. All child restraints have date stamps of manufacture on them.

Question: Can I use a child restraint that is sold overseas?

Overseas child restraints cannot be used in Australia because they do not comply with Australian Standards and do not display an Australian Standards logo.

Question: Can my child sit in the front seat if they are under seven?

This will depend on whether there is more than 1 row of seats in the car and the age of the child.

If the car has one row of seats only (for example, a ute)

- A child of any age can sit in the front seat if the vehicle has only 1 row of seats and they are properly restrained. If the vehicle has a passenger airbag fitted, a rearward facing child restraint should not be used if the restraint is in front of the airbag.

Where there are 2 or more rows of seats

- A child under 4 years of age cannot sit in the front row of a vehicle that has more than 1 row of seats, even if the child is 3 years of age and large enough to be seated in a booster seat.
- A child aged between 4 and 7 years of age cannot sit in the front row of a vehicle that has more than 1 row of seats unless all the other seats are occupied by children under 7 years of age.

Please note: If the back seat has 2 child restraints fitted and there is no room for a third child restraint, a non-tethered booster seat or booster cushion can be used, providing the child using the booster seat is between 4 and 7 years of age.

Question: I have had an extra row of seats fitted to my vehicle to carry children. Do I need to use a child restraint in these extra seats?

If the seats are specifically designed for use by children you do not have to use a child restraint for children between 4 and 7 years of age. You are still required to use the restraint harnesses or seatbelts supplied with the seat.

If a lap belt only seatbelt is fitted, then a H-harness must also be used to safely restrain the child.

Question: What if my child is too small for the type of restraint specified for my child's age?

The rules recognise that some children may be too small for a specific type of restraint. If your child is too small to move into the next level of restraint, you should keep your child in the lower level of child restraint for as long as necessary.

For example:

- A child who has turned 4 but is too small for a booster seat should remain in a forward facing child restraint with built-in harness.
- A child who has turned 7, but is too small for an adult seatbelt should remain in a booster seat.

Question: What if my child is too large for the type of restraint specified for my child's age?

The rules recognise that some children may be too large for a specific type of restraint. If your child is too large to fit into a restraint specified, you may move your child into the next level of restraint. A child is too big for a booster seat when:

- the level of the child's eyes is above the level of the back of the booster seat
- or
- their shoulders reach the upper shoulder height marker.

For example:

- A 5 month old that is too big for a rearward facing restraint can be seated in a forward facing infant restraint. It is recommended that an infant stays in a rearward facing child restraint for as long as possible.
- A 3 year old child that is too big for a child seat can be seated in a booster seat instead.
- A 6 year old that is too big for a booster seat can progress to an adult seatbelt.

Question: How do I know when to turn my child around from a rearward facing to a forward facing child restraint?

It is recommended that children stay in a rearward facing position for as long as possible. Age, weight and height are informative indicators to use when turning the child to a forward facing position. Contact your local child restraint retailer or manufacturer for further information.

Question: I have a centre lap seatbelt only in the back seat of my vehicle. Can I use a booster seat here?

If your child is 4 to 7 years of age, you can use an approved booster seat with a H-harness in this situation.

Question: The back seat of my vehicle has built-in booster seats. Are these legal to use under the new rules?

Yes, some manufacturers, (for example, Volvo), produce vehicles with built-in booster seats suitable for use in Queensland and that comply with the Australian Design Rules.

Question: Can I use a booster cushion instead of a booster seat?

If the booster cushion complies with Australian Standards, it may be used by your child. However, research has shown that booster seats provide a higher level of safety than booster cushions for the child in some types of crashes. The new 2010 Australian Standard excludes booster cushions, so in due course these devices will not be available to purchase new.

Question: My booster seat is only allowed to be used with a child under 26kg. My 6 year old is already over that weight. What should I do?

The rules allow for a child who is too large for a booster seat to be seated in an adult seatbelt.

Affordability and costs

Question: Can I use a second hand child restraint?

There is no rule to say that you cannot use a second hand child restraint. However, the child restraint might have been involved in a crash and may be damaged or faulty as a result. It is recommended that you do not use the child restraint if it has been involved in a crash.

If you are using a second hand child restraint it is recommended that you obtain a copy of the manufacturer's instructions for that device. If the person providing the restraint does not have the instructions, they may be available on the internet, or direct from the manufacturer. The instructions should be referred to before the restraint is used as they contain important information about the safe use of the restraint.

Question: What is the cost of purchasing a child restraint?

The cost of a child restraint varies from approximately \$30 for a booster cushion to \$500 for some convertible child restraints. Some indicative prices are:

- Baby capsule: \$200 to \$300
- Car seat: \$200 to \$400
- Convertible car seat: \$200 to \$500
- Booster cushion/seat: \$30 to \$200

Question: Where can I hire a baby capsule or child restraint?

You can hire baby capsules and child restraints from:

Kidsafe Qld

- Visit www.kidsafeqld.com.au
- Phone + 61 7 3854 1829

Penalties

Question: Who is responsible for ensuring children under 7 years of age are secured in an approved child restraint?

The driver is responsible for ensuring that all children under 7 years of age are secured in an approved child restraint, or if 7 years of age or older, wearing an adult seatbelt. Drivers can be fined \$365 with 3 demerit points for travelling with an unrestrained or incorrectly restrained child in the vehicle.

You will receive a separate penalty of \$365 and 3 demerit points for each unrestrained or incorrectly restrained child.

Taxis, public transport and airports

Question: Will taxi drivers be required to ensure that a child is restrained appropriately?

As of 11 March 2010, a taxi driver will be exempt from ensuring that children up to the age of 7 are restrained, if there is no appropriate child restraint available for use. If however, an appropriate child restraint is available for use in the taxi, the taxi driver must ensure that it is used and becomes responsible for the restraint of the child. A child under the age of 7 must not be seated in the front row of seats in a taxi.

Taxi drivers are exempt from ensuring that a passenger aged 16 or more wears a seatbelt. There has been no change to this exemption.

Question: Will bus drivers be required to ensure that a child is restrained appropriately?

A bus driver is not responsible for any passenger wearing a seatbelt, irrespective of age. A bus is a vehicle with 13 seats or more, including the driver. There has been no change to this exemption.

If the bus is fitted with passenger seatbelts, a passenger aged 16 or above is required to wear a seatbelt. The passenger may face a \$365 fine and 3 demerit points if they do not wear a seatbelt where one is available. This is an existing requirement and will continue.

A bus driver is required to wear a seatbelt if one is fitted. The penalty for failing to wear a seatbelt is a \$365 fine and 3 demerit points. Again, this is an existing requirement and will continue.

Question: Do buses and taxis need to provide child restraints?

All taxis should have an anchor bolt that can be used to fit a child restraint, however not all taxis will have a child restraint so you may need to provide your own. As taxis do not have to supply child restraints, parents/carers are advised to provide their own. A parent/carer without a child restraint should not use one seatbelt to secure themselves and the child.

A bus is a vehicle that has 13 or more seats. A bus does not need to be fitted with seatbelts and child restraints are not required.

The new seatbelt rules do apply to a vehicle that has 11 or 12 seats and all passengers must wear seatbelts if they are fitted. If seatbelts are fitted child restraints must be used.

Question: Can I use my own child restraint in a taxi or bus?

You can use your own child restraint in a taxi or bus, however, prior arrangements may need to be made with the organisation providing the transport.

Please note:

- A taxi driver becomes responsible for the restraint of a child under age 7 if a restraint has been provided by the child's parent/carer. If no child restraint is provided then the taxi driver is not responsible for the restraint of the child.
- If the exemption applies and the child is not seated in an approved child restraint, the child must not be seated in the front row of seats.

- The taxi driver will remain responsible for ensuring children between 7 and 16 years of age wear a seatbelt and are properly restrained.

Question: I am picking someone up at the airport and they have a young child. Do I need a child restraint?

Yes, it is the driver's responsibility to ensure child restraints are fitted and used correctly. If the visitor cannot bring their own child restraint, a child restraint can be hired. If they choose to use a taxi, they do not need to use a child restraint, however it is advised that a child restraint is always used unless in an emergency.

Question: Can visitors from overseas who bring their child restraint use it in Queensland?

The child restraint can only be used if it complies with the compulsory *Australian Standard AS 1754 Child Restraint Systems Used in Motor Vehicles*. All approved restraints will display an Australian Standards logo on the child restraint.

Technical child restraint questions

For example, fitting and installation, and anchor points.

Question: Where do I find instructions on fitting my child restraint?

All child restraints are sold with comprehensive instructions. You will also find information about fitting child restraints:

- in your vehicle owner's handbook, which will tell you the location of the child restraint anchor points or where a child restraint can be fixed
- from the child restraint manufacturer, or their website. They may have further information and downloadable fitting instructions.

Question: How do I know if I have anchor points in my vehicle?

You should refer to your vehicle owner's handbook. Alternatively, contact your car dealer or the vehicle manufacturer for further information.

Question: Where can I get anchor points installed in my vehicle?

To find a company in your local area qualified to install anchor points in your vehicle contact the Department of Transport and Main Roads modifications help desk on +61 7 3114 5844

Question: Who can I contact to install and check my child restraint?

For advice on selecting, installing and checking child restraints and baby capsules, please check your local Yellow Pages or contact:

RACQ

- Contact your local RACQ branch
- Visit www.racq.com
- Phone 13 19 05

Kidsafe Qld

- Visit www.kidsafeqld.com.au
- Phone + 61 7 3854 1829

Question: Where can I purchase accessories for my child restraint?

Most child restraint and baby retailers will sell child restraint accessories.

Question: Will 3 child restraints fit across the back seat of my vehicle?

Depending on the type of restraints required, most medium to large vehicles will take 3 restraints across the back seat. Compact or narrow child restraints are also available to suit smaller vehicles.

Question: Can I use a booster seat with a lap only seatbelt?

No. The Australian Standards for booster seats makes it clear that this type of restraint must be used with either:

- (a) a lap/sash seatbelt or
- (b) a lap belt with a H-harness.

Question: Can I carry children in an older vehicle that was manufactured with no seatbelts fitted?

A child under 7 years old cannot travel in a seating position with no seatbelt or restraint.

Question: Can children be carried in side facing seats with lap only seatbelts?

Children between the ages of zero and 7 cannot be carried in this type of seat. Restraints for children between the ages of zero and 4 years must be either rearward or forward facing. The appropriate restraint for children between the ages of 4 and 7 years is a booster seat. A booster seat cannot be used with a lap only seatbelt unless a H-harness is used and a H-harness cannot be fitted to a side facing seat.

Exemptions

Question: Are there any exemptions?

- There is an exemption from having to use a child restraint if travelling in a taxi, but children large enough should use the adult seatbelt.
- Parents and carers are encouraged to supply their own child restraint if using a taxi or make prior arrangements with the taxi company to see if they have a suitable restraint available.
- It is possible to be exempt on medical grounds, but a medical exemption form must be obtained from a [Department of Transport and Main Roads customer service centre](#), signed by a general practitioner and carried with you.
- For children with disabilities, a medical exemption certificate may be issued by a health professional. The certificate may prescribe the use of a specially constructed child restraint that does not comply with AS/NZS 1754.