

# New Restraint Laws

\*Adapted from Dept for Transport, Energy and Infrastructure publications

## What do they mean for you and your child?

New child restraint laws are effective in South Australia *from 1 July 2010*. These laws require:

- Children up to 6 months of age to travel only in an approved rear facing infant restraint.
- Children from 6 months to 4 years of age to travel in either an approved rearward-facing infant restraint or forward-facing child safety seat with an inbuilt harness.
- Children from 4 up to their 7<sup>th</sup> birthday to travel in either an approved forward facing child safety seat or a booster seat used in conjunction with either a properly adjusted lap-sash seat belt or child safety harness.
- Children up to 4 years of age to travel only in the rear of the vehicle (where the vehicle has two or more rows of seats).
- Children from 4 up to their 7<sup>th</sup> birthday not to sit in the front seat unless all other seating positions are occupied by children under 7.

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

A child is not required to use a restraint unsuitable for their size and weight.

If a child is too tall or heavy for the restraint specified for their age they should use the restraint specified for the next age group.

If a child is too small to move into the restraint for their age they should remain in the restraint specified for the previous age group.

If a child is over 7 years and still fits in a booster seat, they should continue using it until they are tall enough for the seatbelt to fit properly (around 140cm tall or taller).

## 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.

## 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 law does not apply to drivers of buses or motor bikes. Under the law, Taxi drivers are not required to provide child restraints or booster seats. Taxi drivers are exempt from responsibility for passengers under 1 year old and must ensure children over 1 year old are seated with a properly fastened seatbelt if no child restraint is available.

- Children under 1 year old do not have to use a restraint, but they must travel in the back seat.
- Children over 1 and under 7 years old should be seated in their own seating position in a taxi, with their own properly fastened seatbelt if no suitable child restraint or booster seat is available in the taxi and must not travel in the front seat of a vehicle that has two or more rows of seats.

*...more over*

## What is the penalty for not wearing a seatbelt or suitable approved child restraint?

A three month education period will enable drivers to understand and comply with the laws before *penalties apply from 1 October 2010*.

The education period 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.

Drivers will receive an on-the-spot fine of \$240 if one person is unrestrained and \$292 if more than one person is unrestrained. Up to five demerit points will also apply.

## What is an 'Approved Child Restraint'?

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 strict requirements of the AS 1754 covering the materials, design, construction, performance, testing and labeling of child restraints.

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:

Old Label



New Label



## 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, be aware that under South Australian's child restraint laws, 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.

## What if I have further questions?

Please ask a member of the Red Cross Baby Seats team. They are experts when it comes to providing advice on the safest child restraint for your child and your circumstances.

You can also e-mail your questions to [babyseats@redcross.org.au](mailto:babyseats@redcross.org.au).

Don't trust your child's safety to just anyone.

125 Henley Beach Rd, Mile End | Tel 8443 9700 | Monday-Friday 9.00am – 5.00pm