

Road Transport (Safety and Traffic Management) Booster Seat, Child Restraint and Child Safety Harness Approval 2020 (No 1)

Disallowable instrument DI2020–39

made under the

Road Transport (Safety and Traffic Management) Regulation 2017, section 73 (1) (b) Power to approve a booster seat as an approved booster seat, section 73 (1) (c) Power to approve a child restraint as an approved child restraint and section 73 (1) (d) Power to approve a child safety harness as an approved child safety harness

1 Name of instrument

This instrument is the *Road Transport (Safety and Traffic Management) Booster Seat, Child Restraint and Child Safety Harness Approval 2020 (No 1)*.

2 Commencement

This instrument commences on the day after notification.

3 Approval of booster seat

- (1) I approve as an ***approved booster seat*** any of the following:
 - (a) a booster seat or booster cushion that:
 - (i) is designated as a Type E or F child restraint under the relevant Australian Standard; and
 - (ii) complies with the edition of the relevant Australian Standard that was in force at the time of its manufacture in Australia or importation into Australia (as the case may be) or with any later edition of the Standard in force at the time the booster seat or booster cushion is being used; and
 - (iii) has an identifying mark certifying compliance with that edition of the Standard; or
 - (b) a booster seat or booster cushion that:
 - (i) is an integrated part of a motor vehicle; and

- (ii) was installed by the manufacturer of the motor vehicle to enable an existing adult lap-sash seatbelt to become suitable for use by a child; and
 - (iii) complies with the relevant Australian Design Rules issued under the *Motor Vehicle Standards Act 1989* (Cwlth) or the *Road Vehicle Standards Act 2018* (Cwlth) for child restraints of the type concerned that was in force at the time the vehicle was manufactured or imported into Australia (as the case may be) or with any later edition of those Rules in force at the time the booster seat or booster cushion is being used; or
- (c) a booster seat or booster cushion that has been specifically designed and designated for a child with a medical condition or disability in accordance with the relevant Australian Standard; or
 - (d) a booster seat or booster cushion that is compliant with any conditions contained in a medical certificate issued by a medical practitioner for a passenger with a medical condition or disability.
- (2) Any accessories used with an approved booster seat must be compliant with the relevant Australian Standard unless this would be in conflict with the conditions contained in a medical certificate issued by a medical practitioner for a passenger with a medical condition or disability.

4 Approval of child restraint

- (1) I approve as an ***approved child restraint*** any of the following:
 - (a) a child restraint that:
 - (i) is designated as a Type A1, A2, A2/0, A3, A3/0, A4, A4/0, B, D, G or H child restraint under the relevant Australian Standard; and
 - (ii) complies with the edition of the relevant Australian Standard that was in force at the time of its manufacture in Australia or importation into Australia (as the case may be) or with any later edition of the relevant Australian Standard in force at the time the child restraint is being used; and
 - (iii) has an identifying mark certifying compliance with that edition of the relevant Australian Standard; or
 - (b) a child restraint that has been specifically designed and designated as suitable for a child with a medical condition or disability in accordance with the relevant Australian Standard; or
 - (c) a child restraint that is compliant with any conditions contained in a medical certificate issued by a medical

practitioner in respect of a passenger with a medical condition or disability.

- (2) Any accessories used with an approved child restraint must be compliant with the relevant Australian Standard unless this would be in conflict with the conditions contained in a medical certificate issued by a medical practitioner for a passenger with a medical condition or disability.

5 Approval of child safety harness

- (1) I approve as an *approved child safety harness* any of the following:
- (a) a child safety harness that:
 - (i) is designated as a Type C (C1 or C2) child restraint under the relevant Australian Standard; and
 - (ii) complies with the edition of the relevant Australian Standard that was in force at the time of its manufacture in Australia or importation into Australia (as the case may be) or with any later edition of the Standard in force at the time the child safety harness is being used; and
 - (iii) has an identifying mark certifying compliance with that edition of the Standard; or
 - (b) a child safety harness that has been specifically designed and designated suitable for a child with a medical condition or disability in accordance with the relevant Australian Standard; or
 - (c) a child safety harness that is compliant with any conditions contained in a medical certificate issued by a medical practitioner for a passenger with a medical condition or disability.
- (2) Any accessories used with an approved child harness must be compliant with the relevant Australian Standard unless this would be in conflict with the conditions contained in a medical certificate issued by a medical practitioner for a passenger with a medical condition or disability.

6 Disapplication of Legislation Act, s 47 (6)

The *Legislation Act 2001*, s 47 (6) does not apply to an instrument applied, adopted or incorporated under this instrument.

Note This means the relevant Australian Standard does not need to be notified under the *Legislation Act 2001*. The relevant Australian Standard can be purchased from SAI Global Limited at www.standards.org.au/SearchandBuyAStandard/Pages/default.aspx. A copy of the relevant Australian Standard can be viewed by contacting roadtransportregulation@act.gov.au to arrange a time to view during business hours.

7 Definitions

In this instrument:

booster seat means a device used for raising the child's position in the motor vehicle and adapting an adult seatbelt to make it suitable for a child, and having a back above the seating plane.

child restraint means a device used in conjunction with an adult seatbelt or ISOFIX compatible lower attachment connectors to restrain a child passenger of a motor vehicle in the event of a vehicle impact and thus minimise the risk of bodily injury.

child safety harness means webbing straps used for restraining the occupant either partly or wholly.

medical certificate means a certificate that –

- (a) is signed by a medical practitioner; and
- (b) states a date of issue; and
- (c) if another law of this jurisdiction does not exempt the medical certificate from displaying an expiry date, states an expiry date that is not more than 1 year after the date of issue; and
- (d) has not expired.

medical practitioner means a person who is a medical practitioner within the meaning in the *Legislation Act 2001*.

relevant Australian Standard means any of the following applicable Australian/New Zealand Standards, as in force from time to time:

- (a) AS/NZS 1754 Child restraint systems for use in motor vehicles
- (b) AS/NZS 4370 Restraint of children with disabilities or medical conditions in motor vehicles
- (c) AS/NZS 8005 Accessories for child restraints for use in motor vehicles.

8 Revocation

This instrument revokes *Road Transport (Safety and Traffic Management) Child Safety Equipment Approval 2017 (DI2017-203)*.



Richard Glenn

Director-General of the Justice and Community Safety Directorate as a road transport authority

8 April 2020

Note: Section 16 (3) of the *Road Transport (General) Act 1999* defines the road transport authority. This section in conjunction with the Administrative Arrangements determines which Director-General is the road transport authority for certain provisions of the road transport legislation.