

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

EXPLANATORY STATEMENT

Subsections 73 (1) (b), (c) and (d) of the *Road Transport (Safety and Traffic Management) Regulation 2017* provides for the road transport authority to, respectively, approve a booster seat as an approved booster seat, a child restraint as an approved child restraint and a child safety harness as an approved child safety harness. Subsection 73 (3) makes such an approval a disallowable instrument. A Disallowable Instrument must be presented to the Legislative Assembly within 6 sitting days after its notification pursuant to section 61 of the *Legislation Act 2001*.

Section 266 of the *Road Transport (Road Rules) Regulation 2017* 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 appropriately restrained. The provision details the specific types of seatbelt as restraint required to be worn by passengers under the age of 16 years. The type of seatbelt restraint required is based on the age of the child, with consideration of the individual child's height and weight.

This instrument revokes and replaces the current *Road Transport (Safety and Traffic Management) Child Safety Equipment Approval 2017* (DI2017-203), which approves these types of seatbelt restraints for passengers under 16 years old. DI2017-203 is made under section 66 (1) of the *Road Transport (Safety and Traffic Management) Regulation 2000*.

The *Road Transport (Safety and Traffic Management) Regulation 2000* was repealed and replaced by the *Road Transport (Safety and Traffic Management) Regulation 2017* on 30 April 2018. Part 10 of the *Road Transport (Safety and Traffic Management) Regulation 2017* contains transitional provisions allowing for the

continuation of DI2017-203 as if it is an approval under section 73 (1) of the new *Road Transport (Safety and Traffic Management) Regulation 2017* until 30 April 2020.

This instrument remakes DI2017-203 with a reference to the relevant provisions of the *Road Transport (Safety and Traffic Management) Regulation 2017*. This instrument has the same effect as the revoked DI2017-203.

The name of this instrument has also been amended to better reflect and identify what the approval is approving.

This instrument displays 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. Complying devices will have an identifying mark certifying that the device complies with the relevant standard.

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) or on 131 242. Alternatively, a copy of the relevant Australian Standards can be viewed by contacting roadtransportregulation@act.gov.au to organise a viewing time during business hours.

Human Rights or Climate Change implications

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