



# New Child Car Restraint Laws

## Frequently Asked Questions

The Northern Territory's child car restraint laws were revised on 1 February 2013.



### What are the new laws?

The new child restraint laws in the Northern Territory are based on the Australian Road Rules and national model legislation.

All children under 7 years of age must be secured in an approved child restraint or booster seat when travelling in a vehicle. The type of restraint will depend on the age of the child:

- **Babies under 6 months** of age must be restrained in a rear facing restraint (e.g. baby capsule).
- **Children between 6 months and under 4 years** of age must be restrained in a rear facing or forward facing restraint.
- **Children from 4 years to under 7 years** of age must be restrained in a forward facing restraint or booster seat.
- **Children 7 years** of age and over must be restrained in an adult seatbelt or a booster seat.

There are also laws about where children can sit in the vehicle:

- **Children under 4 years** of age must not be in the front row of a vehicle with two or more rows.
- **Children from 4 to under 7 years** of age can only sit in the front row of a vehicle with two or more rows when all other seats are occupied by children of a lesser age in an approved child restraint.

The ages specified above are a guide for the safety of your child. If your child is too small for a restraint specified for their age, they should be kept in their current restraint for as **long** as necessary.

If your child is too large for a restraint specified for their age, they should move to the next level of restraint or an adult seatbelt.

**Penalty:** \$480 (plus \$20 Victims of Crime levy) and 3 demerit points per child not appropriately restrained

## Why did the new laws get introduced?

The new laws are designed to ensure that children are better protected when travelling in cars.

Many parents move their children into normal seats with adult seatbelts from around five and a half years of age. Research indicates this is too early and increases the potential for injury.

Children need to be properly restrained to reduce the chance of serious injury or death if the car is involved in a crash. A child restraint prevents a child from being ejected from the vehicle and distributes the extreme crash forces over the strongest parts of the child's body.

Placing a child under 7 years of age in a normal vehicle seat and using an adult seatbelt is not safe. This is because a normal seat is not appropriately designed to keep the seatbelt in the proper place during a crash for children of that approximate build.

Children up to 7 years of age are at least 4 times as likely to sustain a head injury in a crash when using an adult seatbelt compared with children in an appropriate restraint.

Other research shows that seating children from age 4 to under 7 years in an appropriate booster seat reduces their risk of injury in a crash by almost 60 per cent compared with sitting in a normal seat with an adult seatbelt and no booster seat.

## What if I travel interstate – do they have the same laws?

These road rules are the same in all States and Territories, though requirements, exemptions and penalties may vary.

## What type of restraint should I use for my child?

You should use a restraint that is appropriate for your child's age and size.

It must be an approved child restraint that complies with Australian Standards (AS/NZS1754, version, 2004, 2010 or 2013) and is marked as complying with the Australian Standard sticker.



These standards ensure the safety, performance and reliability of the child restraint product and have been recently changed to include ISOFIX compatible child restraints.

When fitting a restraint into your vehicle, always follow the specifications from the child restraint manufacturer.

## What is a rear facing restraint?

This type of restraint is also known as a baby capsule. In this restraint, the child's feet are closer to the rear of the vehicle than his or her head. It has an inbuilt harness system and is held in place by a seatbelt and a top tether strap fixed to an anchorage point.

Rear facing restraints must be used for children (babies) from birth to under 6 months of age. It may also be used for children aged more than 6 months of age if the child is too small to move to the next level of restraint.



## What is a forward facing restraint?

This is a restraint where the child's head is closer to the rear of the vehicle than his or her feet. The restraint has a six-point harness and is held in place by a seatbelt and a top tether strap fixed to the car's anchorage point.

Forward facing restraints can be used for children aged between 6 months and under 4 years age. It may also be used for children aged more than 4 years of age if the child is too small to move to the next level of restraint.



## What is a booster seat?

Booster seats have high backs and sides to protect children in side impact crashes as well as providing support for when they are sleeping. Booster seats are used with an adult lap-sash seatbelt and some are fixed to the car's anchorage point. The seatbelt must be correctly adjusted to protect the child in a crash.

They are suitable for children from around 4 years of age up to 7 years of age. It may also be used for children aged more than 7 years if the child is too small to use an adult seatbelt.

## Can I use a booster cushion instead of a booster seat?

These cushions are no longer manufactured and not recommended. You may use a booster cushion if it complies with Australian Standards (AS/NZ 1754).

If used with a lap-only seatbelt a child safety harness should be used. It is recommended that booster seats with high back and side wings be used whenever possible as they provide a higher level of safety in some types of crashes.

## What is a convertible forward facing restraint?

It combines the features of rear facing and forward facing restraints in one child restraint.

These restraints can be used for babies from birth to around 6 months of age in the rear facing mode. If the child is not large enough to move to the next level of restraint, you can leave the restraint facing the rear of the car until the child is ready. You can then convert the restraint to forward facing for children 6 months to around 4 years of age.

All have an inbuilt six-point harness system and a top tether strap.

## What is a convertible booster seat?

This combines the features of a forward facing restraint for children from age 6 months to 4 years of age and booster seats for children aged 4 to under 7 years of age.

These restraints come with an inbuilt harness and a top tether strap. The harness is used until the child reaches 4 years of age or until the harness straps are too tight over the shoulders. The inbuilt harness must be removed when the restraint is used as a booster seat and the child must then be restrained by an adult seatbelt.

## What is a seatbelt?

A seatbelt is an approved belt device fitted to the vehicle to restrain the occupant in the event of a crash. Modern vehicles have lap-sash seatbelts while some older vehicles may only have lap-only type belts for rear seat positions.

Seatbelts must fit correctly. The lap belt must be positioned over the upper thigh and not the stomach. The sash belt should cross the mid shoulder where it does not touch the neck.

## Can I use a second-hand restraint?

Manufacturers recommend a restraint should not be used if it is more than 10 years old, or if the restraint is showing signs of damage or has cracked or frayed straps.

Do not buy or use a restraint that has been involved in a crash or if you do not know the history of the restraint.

The date of manufacture is printed on all restraints. If it looks worn, buckles are broken, the plastic shell is cracked or discoloured (for example, from age, overloading or exposure to the sun) you should not use the restraint.

What to look for in a second hand restraint:

- Australian Standard sticker AS/NZS1754, version, 2004, 2010 or 2013
- An instruction booklet
- Complete set of parts
- Check the history of the restraint – make sure it has not been in a car crash.
- Check the date of manufacture on the restraint - do not use restraints that are 10 or more years old.
- Look for signs of damage or stress mark in the restraint shell. These appear like white lines (the same lines you get if you twist a plastic milk bottle) Do not use if there are a lot of stress lines, splits, cracks or broken areas
- Check harnessing and tethering for small frays or tears. A tear or fray as small as 5 mm is a weak point in the harnessing.
- Check tethering for mould. Little black spots indicate mould is rotting the webbing at these points.

## Can I use a child restraint that was bought overseas?

Only restraints that meet the Australian/New Zealand (AS/NZ) Standard 1754, version, 2004, 2010 or 2013 for child restraints can be used legally in the Northern Territory.

Child restraints bought overseas generally do not comply with AS/NZ Standards and they may not be compatible with Australian vehicles.

In addition, the Australian Standard for child restraints is one of the most stringent in the world. Unlike the European Standard, the Australian Standard requires all restraints to be tested in side and rear impact tests and some with inverted tests for rollover protection.

## What is ISOFIX?

The Australian Standard now allows for ISOFIX compatible restraints. Seats made with the new system will also have the current seatbelt system so that it can be used when ISOFIX is not available in the car.

## Can my child sit in the front seat?

This depends on whether there is more than one row of seats in the car and the age of the child. The back seat gives far more protection in a crash than the front seat so it is recommended that you fill the back seats first.

### Where there are two or more rows of seats:

A child under 4 years of age cannot sit in the front row, even if they are large enough to fit in a booster seat.

A child between 4 years of age and under 7 years of age cannot sit in the front row unless the other rows are occupied by younger children in an approved child restraint.

Note: You can only fit a booster seat in the front row of a vehicle if that booster seat does not require an anchored top tether strap or if there is an anchorage point.

### If the car has one row of seats (for example a single cab ute, van or sports car):

Children under seven years of age can sit in the front seat provided they are properly restrained using an anchorage point if required. Children seven years and over can sit in any seating position, provided they are suitably restrained.

Most car manufacturers recommend against the use of rear facing restraints in front passenger seats. A child in a rear facing restraint should not be placed in the front seat of a vehicle that has a passenger air bag. Please refer to the car's owners manual for further information in relation to air bags.

## Can my child use an additional ('dickie') seat in the cargo space?

If the vehicle is fitted with an additional row of seats in the cargo space, and these seats are specifically constructed for children, you can use these seats to carry children between the ages of 4 and up to 7 years. You should not use a booster seat in this situation because the additional seat will not fit a booster seat of the appropriate height.

In this situation, a child aged 4 up to 7 years should be restrained with the belts or harness supplied.

If the vehicle has an additional row of seats and these seats are designed for carrying adults, then an appropriate child restraint is required for children under the age of 7 years.

The type of restraint will depend on the age and size of the child. If the restraint requires an anchor point and tether strap (all child seats and some boosters) then these must be used.

## If I have four children under 7 years of age can I carry them in my car?

This will depend on the age of your children and the size of your car as well as the type of child restraint and booster seats you have.

If you have a standard sedan with two rows of seats you should be able to accommodate three child restraints in the second row and carry one child aged over 4 years of age in the front row.

There are a range of restraints now available with a narrow base. Manufacturers have recognised this need and are constantly redesigning and developing new child restraints that meet our AS/NZ Standards.



## What if my child is too small or too large for the type of restraint specified for my child's age?

Children should remain in a child restraint for as long as physically possible.

If a child is too small for the restraint, keep them in the previous level of restraint for as long as necessary.

If a child is too large for the restraint, they may move to the next level of restraint.

A child aged between 6 months and 4 years of age will need to move to the next level of restraint when:

- their shoulders no longer fit comfortably within the restraint
- their eye level is higher than the back of the restraint

or

- the top insertion slots for the shoulder straps are below the level of the child's shoulders.

A child aged between 4 and 7 years of age will need to move to the next level of restraint if:

- their shoulders no longer fit comfortably within the restraint

or

- their eye-level is higher than the back of the booster seat (when measured at a right angle from the seat back).

## What is the difference between an inbuilt harness and an accessory child safety harness?

An inbuilt harness is made at the time of manufacture and is part of the child restraint. It is suitable for children weighing up to 18 kg. There are no inbuilt harnesses available for children over 18 kg.

A child safety harness is an additional product purchased separately and needs to be attached to the car anchorage system. It is suitable for children who weigh between 18 kg and 32 kg if properly used. The harnesses must be used according to the instruction, to prevent unnecessary injury to children.

## Can I use an accessory child safety harness instead of a lap-sash seatbelt with my booster seat?

A child safety harness does not have to be used with a booster seat if a lap-sash seatbelt is available. Research suggests that using a lap-sash seatbelt with a booster seat is just as safe, or safer, than using a booster seat with a correctly fitted child safety harness.

The use of an accessory child safety harness is recommended only if the vehicle seat has a lap-only seatbelt. Research has shown that the likelihood of a child safety harness being used incorrectly is very high and the risk of injuries when incorrectly used is much higher compared to a lap-sash seatbelt.

## I have a centre lap-only seatbelt in the back seat of my car – can I use a booster seat there?

Yes, if you use it with an approved child safety harness. Ensure the lap portion of the belt is placed firmly first over the upper thigh before adjusting the shoulder harness.

However, it is recommended that you retrofit a lap-sash seatbelt in that position.

## What is the safest seating position for children?

Kidsafe and other road safety experts recommend the rear centre seating position as the preferred position for children as it provides some additional protection in side impact.

If the rear centre seating position can't be used, the rear left passenger side position is the next most suitable option as this is usually the off-road/footpath side of the car.

## Can children under 7 years be carried in vehicles that have side facing seats with lap only seatbelts (Troop carriers)?

Troop carriers are not considered the safest vehicle for the carriage of children.

If they only have side facing seats with lap belts, children under the age of 7 years will not be able to use the appropriate restraint or booster seat which requires a lap sash belt or an anchor point. They will also be at risk of severe injury if involved in a crash.

Should there not be an alternative vehicle it is recommended that the Troop Carrier is modified to accommodate **forward facing seats, lap sash seatbelts and anchor fitment** by an authorised vehicle modification specialist. If it is not possible to fit child restraints, and parents are unable to modify their vehicle to accommodate restraints or utilise another vehicle, the front passenger seat may be an option. Please refer to the car's owners manual for further information in relation to air bags.

## 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, you can hire a child restraint. 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.

## Do we need to use a child restraint in taxis and public minibuses?

Taxi drivers and drivers carrying passengers for hire or reward (commercial vehicle operators) do not have to provide child restraints. However, they must ensure that:

- An approved child restraint is used if available.
- No passenger under 4 years of age sits in the front seat.

A child between 4 years and 7 years of age may only sit in the front row if all the other seats in the row or rows behind the front row are occupied by passengers who are also under 7 years old.

All taxis should have an anchorage point 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.

Although an exemption will be provided for all commercial vehicle drivers, passengers must:

- occupy individual seating positions and be appropriately restrained.
- not occupy the same seating position as another passenger.

## Do we need to use a child restraint in a bus (more than 12 seats)

A driver of a bus that is designed to seat more than 12 adults (including the driver), is required to encourage passengers, including those under 16 years of age, to use a restraint (seat belt or child restraint) if there is one available.

A bus driver is not legally responsible for any passenger wearing a seatbelt, irrespective of their age. There has been no change to this exemption.

## Do we need to use a child restraint in a minibus (12 seats or less)

A driver of a small bus is required to fully comply with the child restraint laws and must ensure that all passengers under 7 years of age are appropriately restrained in an approved child restraint or booster seat.

Under the Australian Road Rules, a bus is defined as a motor vehicle designed to carry over 12 adults (including the driver).

If a vehicle is designed to carry 12 adults or fewer (including the driver) it is not a bus and the driver must ensure all passengers are appropriately restrained.

## Who is responsible for ensuring a child is restrained in an approved restraint?

Motor vehicle drivers are responsible for ensuring all children aged under 7 years of age are restrained in appropriate standards approved restraints. Exemptions do apply for taxi and other commercial passenger vehicle drivers.

Penalties apply for failing to ensure all children are appropriately restrained: **\$480** (plus \$20 Victims of Crime levy) **and 3 demerit points** per child not appropriately restrained. *(Note: these fines have not changed)*

## Are there any medical exemptions from wearing a child restraint?

Children are exempt from wearing a child restraint if they hold a medical certificate signed by a medical practitioner which certifies that the child should not, for medical reasons, be restrained while travelling in a motor vehicle.

Generally, if a child is unrestrained within a vehicle on medical grounds, they must travel in a rear seat. However, if the medical certificate signed by a medical practitioner certifies that the child should not, or cannot, for medical reasons, travel in a rear seat, then the child may sit in the front row.

## Can I hire a baby capsule, child restraint or booster seat?

Yes. Child restraint hire services are provided by some retailers or community organisations.

Please refer to the previous Second Hand Child Restraint question for additional information.

## Where do I find instructions on fitting my child restraint?

Child restraints are sold with comprehensive manufacturer's instructions. You will also find information about fitting child restraints in:

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

[Kidsafe NT](#) is also a good source of information and advice.

## Where are the anchor points in my vehicle?

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



## Where can I get help fitting my restraint?

When fitting a restraint into your vehicle, always follow the specifications from the child restraint manufacturer. If you are unsure how to install a child car restraint, help is available in various locations.

Restraint fitting services are provided by various organisations and retailers to assist parents and carers to install and use approved restraints correctly (see below under more information).

If you have a restraint installed by a restraint fitter, ask the fitter to show you how you can install it yourself. This will enable you to re-fit the restraint if required and adjust it as the child grows.

## Where can I get more information?

- **Kidsafe NT** [www.kidsafent.com.au](http://www.kidsafent.com.au) Ph: (08) 8941 8234
- **Automobile Association of the NT (AANT)** [www.aant.com.au](http://www.aant.com.au) Ph: 08 8925 5901
- **Department of Transport, Road Safety** [www.roadsafety.nt.gov.au](http://www.roadsafety.nt.gov.au) Ph: 1800 720 144
- **Department of Transport, Motor Vehicle Registry (MVR) & Vehicle Standards**

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