

**FAIR TRADING ACT 1987—REGULATION**

(Relating to child restraints)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Fair Trading Act 1987, has been pleased to make the Regulation set forth hereunder.

WENDY MACHIN  
Minister for Consumer Affairs.

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**Commencement**

1. This Regulation commences on 1 February 1994.

**Amendment**

2. The Product Safety Regulation 1988 is amended by omitting Part 19 and by inserting instead the following Part:

**PART 19—CHILD RESTRAINTS**

**Definitions**

49. In this Part:

“**AS 1754–1975**” means the Australian Standard Specification entitled “Child Restraints for Passenger Cars and Derivatives” and numbered AS 1754–1975, of the Standards Association of Australia, as in force on 1 July 1986;

“**AS 1754–1991**” means the Australian Standard Specification entitled “Child restraint systems for use in motor vehicles” and numbered AS 1754–1991, of the Standards Association of Australia, as in force on 15 February 1993;

**“chaise”** means a device used for raising a child’s position in a motor vehicle and adapting an adult seat belt to make it suitable for a child, being a device having a back above the seating plane;

**“child restraint”** means a device designed to minimise the risk of bodily injury to a child passenger in a motor vehicle in the event of a motor vehicle impact and includes:

- (a) components designed to restrain the child in the device; and
- (b) components to anchor the device to the motor vehicle; and
- (c) (if supplied) components to restrain a motor vehicle seat; and
- (d) chaises; and
- (e) cushions,

but does not include a child restraint that is an integrated feature of a motor vehicle;

**“cushion”** means a device used for raising a child’s position in a motor vehicle and adapting an adult seat belt to make it suitable for a child, being a device having no back above the seating plane.

#### **Safety standard for child restraints**

50. (1) The product safety standard prescribed for child restraints up to and including 31 December 1995 is that they must comply with AS 1754–1975 or AS 1754–1991.

(2) The product safety standard prescribed for child restraints after 31 December 1995 is that they must comply with AS 1754–1991.

#### **Variation of AS 1754–1975**

50A. For the purposes of this Part, AS 1754–1975 is to be read as if

- (a) clause 1.1 were amended:
  - (i) by omitting the words “passenger cars and their derivatives” and by inserting instead the words “motor vehicles”; and
  - (ii) by omitting the second sentence; and
- (b) clause 1.2 were amended by omitting the words “covered by this specification”.

**Variation of AS 1754–1991**

50B. For the purposes of this Part, AS 1754–1991 is to be read as if:

(a) clause 1.1 were amended:

(i) by omitting the words “passenger cars and their derivatives” and by inserting instead the words “motor vehicles”; and

(ii) by omitting the second sentence; and

(b) clauses 2.4 and 2.5 were omitted.

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**EXPLANATORY NOTE**

The object of this Regulation is to update the product safety standard for child restraints for consistency with similar laws of the Commonwealth.

At present, a child restraint meets the requirements of the Product Safety Regulation 1988 if it is one of the following:

- it is of a type approved by the Roads and Traffic Authority
- it conforms to the relevant 1975 Australian Standard Specification (as in force in 1986) of the Standards Association of Australia.

This Regulation requires child restraints to conform either to the 1975 specification or to the relevant 1991 specification of the Standards Association, as in force on 15 February 1993 and as varied by this Regulation. (The 1975 specification is also varied slightly.) From the commencement of this Regulation, a child restraint approved by the Roads and Traffic Authority will not meet the requirements of the Product Safety Regulation 1988 unless it also conforms to one of those specifications (as varied). (The Roads and Traffic Authority has not given a formal approval to any child restraint.)

From 1 January 1996, however, a child restraint must conform to the 1991 specification (as varied). From that date, conformity to the 1975 specification will not be sufficient to meet the requirements of the Product Safety Regulation 1988.

This Regulation is made under sections 26 and 92 of the Fair Trading Act 1987.

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