

Telephone: 07 3900 6000

Reference: \*\*\*\*/\*\*\*\*\*

National Transport Commission

Reviewer

Public submission

Review of child restraint requirements in the Australian Road Rules

Via email: [enquiries@ntc.gov.au](mailto:enquiries@ntc.gov.au)

Dear Reviewer

The Queensland Family and Child Commission (the Commission) welcomes the review of child restraint requirements in the Australian Road Rules (ARR). This submission is provided independent of our role as a member of the National Transport Commission's (NTC's) Expert Advisory Group.

The Commission is a statutory authority committed to promoting and protecting the safety, wellbeing, and best interests of Queensland children and young people. One of our central responsibilities is to maintain a register of all deaths of children and young people under the age of 18 years in Queensland under Part 3, Sections 25–29 of the *Family and Child Commission Act 2014*.

Under our *Safer pathways through childhood* (Safer Pathways) framework,<sup>1</sup> we continue to work alongside our partners who are also dedicated to creating safer pathways through childhood by contributing evidence-based research and data on causes and risk factors for child deaths and injuries.

The Commission has previously provided the following information to NTC's Expert Advisory Group:

- the Commission's published *Seatbelt and child restraint use in children 0–12 years: Road crash child passenger deaths Queensland 2004–2023 report* (the Commission's Report).
- confidential information paper prepared in collaboration with Dr Ruth Barker.

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<sup>1</sup> QFCC (Queensland Family and Child Commission) (2022) *Safer pathways through childhood 2022-2027: A framework to guide the Queensland Family and Child Commission's child death prevention activities*, <https://www.qfcc.qld.gov.au/safer-pathways-through-childhood>

## Background

Transport-related deaths emphasise the need to strengthen road rules legislation, child restraint usage (including the progression to adult seatbelt use) and enhance road safety education.

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*In 2024–25 transport-related incidents were the leading external cause of death for Queensland children.<sup>2</sup> Motor vehicle crashes accounted for over half of the deaths. Of all causes of death, transport incidents were among the top three leading causes for each age category from 1–17 years.*

*Over the last 5 years, the majority of the 135 transport-related fatalities were motor vehicle deaths (73 or 54 per cent). For fatal motor vehicle crashes, 34 per cent involved no or inappropriate restraint use.*

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### Queensland context

Queensland's requirements for child restraint use are currently provided in the Queensland Road Rules, which are consistent with national model law in the ARR. The ARR were first adopted into Queensland legislation in 1999.

Commencing in 2010, significant changes were made to the model law and Queensland Road Rules. Since that time, there have been significant changes to child restraint design and research into best practice use. In addition, all child restraint systems manufactured and sold in Australia need to conform to the applicable Australian Standard (AS/NZS 1754) as specific in Consumer law.

Periodic revisions in the standards have occurred with various improvements including in tether fittings, harness, age/sizing and test requirements. However, the currently mandated standard allows earlier versions of AS/NZS 1754 (2004, 2010 and 2014) and at present precludes the sale of the recently published 1754: 2024 standard. There are many legacy restraints in use through family hand me downs and second-hand sales, as well as some non-compliant overseas products infiltrating online marketplaces.

The review of child restraint requirements in the ARR represents a timely opportunity to advocate for strengthened child restraint legislation to narrow the gap between legislation and best practice and improve Australia's standing in comparison with other highly developed countries.

### Appropriate use of child restraints

When a child is travelling in a motor vehicle it is important that the correct restraint is used for a child's size and weight, and that it is installed correctly. Research examining child restraint practices in Australia has shown that while most caregivers comply with child restraint legislation, there is very low awareness and poor compliance with best practice,

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<sup>2</sup> QFCC (pending publication) *Annual Report: Deaths of children and young people Queensland 2024–25*.

where recommendations differ from legislation.<sup>3</sup> In addition, the Commission's report outlines a concerning number of children unrestrained in motor vehicles despite road rules and best practice guidelines.

Since the child restraint provisions were last reviewed in 2010, there have been significant advancements in car seat design and safety standards. Modern restraints now offer extended rear-facing options, higher weight and height limits, and improved side-impact protection—features that substantially reduce the risk of serious injury.

The latest Australian Standard (AS/NZS 1754:2024) also incorporates requirements to improve infant airway positioning, for anti-submarine devices in boosters and provisions for children with disabilities and medical conditions, reflecting a more inclusive approach to child passenger safety.

Updating the ARRs (as well as the mandatory standard) to reflect these developments will ensure that legislation keeps pace with technology and supports the safest possible travel for all children.

### Best practice guidelines

Updating the ARR to more closely align with best practice guidelines is one way to affirm and encourage children to remain in appropriate restraints for longer, thereby increasing the protection afforded to them in the event of a crash. As uncertainty may exist in using height or size measures, legislation still needs to specify a minimum age – set higher than the current requirement – as an additional safeguard. This would help to capture most children of a given height. Provision can then be made for taller children to progress if they have outgrown height markers.

Increasing the age for transitioning from rearward-facing to forward-facing restraints to at least 18 months of age would help better align the ARR with best practice guidelines that recommend babies and toddlers remain in their rear facing restraint for as long as possible (ideally until 2 years of age, or when their shoulders go past the maximum height marker) to maximise safety.<sup>4</sup>

Removing age barriers to allow children between 4 years and 7 years old to be restrained in a rearward-facing approved child restraint if they still fit, would also enable children with medical conditions and disabilities to remain rearward-facing for longer, allowing them to use an Australian Standards-compliant restraint for a greater period.

### Gaps and issues

Clarifying the terms 'properly fastened' and 'correctly installed' restraints to reduce ambiguity and misuse of restraints would be best done in the consumer product legislation/ mandatory standards.

Provision of more consistent national practice for accessories and modifications to restraints to help families avoid confusion, especially when travelling interstate and help to ensure

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<sup>3</sup> Rhodes A, (2019) 'Car Seat Safety: Are Australian Children Safe?', *RCH National Child Health Poll*, Royal Children's Hospital Melbourne, <https://www.rchpoll.org.au/wp-content/uploads/2019/05/20190515-report-embargoed-poll14-carseatsafety.pdf>

<sup>4</sup> Department of Transport and Main Roads (2023) *Child Restraints: Street Smarts*, Queensland Government, <https://streetsmarts.initiatives.qld.gov.au/parents/child-restraints/>

safety standards are not compromised, would also best be dealt with in consumer product legislation/ mandatory standards.

### Adult seatbelts and seating position

Research suggests most children are not tall and big enough to fit an adult seat and seatbelt correctly until 11 or 12 years.<sup>5</sup>

To provide optimal protection to child passengers and close the gap with best practice guidelines, the current minimum age of 7 years for using an adult seatbelt should be increased to at least 12 years of age. Age based requirements that will capture the majority of children of a given height (better than it currently does) is the best way forward for the ARR. The availability of appropriately sized booster seats in Australia will be crucial to mandating this approach.

Evidence-based safety thresholds, such as the five-step test can be hard to enforce and the term 'good seatbelt fit' is a dynamic concept. Adding a legal definition to these would likely add confusion for drivers and enforcement bodies rather than helping to improve understanding and compliance.

### Additional factors

Many factors currently influence a family's use and non-use of both seatbelts and child restraints. Although it is important to identify and minimise the impact of challenges for families, preventing serious sometimes lifelong injuries or death for child passengers involved in a crash, is paramount. Provisions, such as funding subsidies or rebates, may warrant further consideration. In addition, engagement with restraint designers/ suppliers may facilitate provision of slimmer/ cost effective products that can be used for families with more than 2 children.

Interventions that focus on child restraint education, distribution and installation, which are tailored and responsive to local and cultural contexts should be prioritised, along with strengthening the community-controlled sector's capacity to provide services in this area.

### Children with medical conditions or disabilities

The ARR should be inclusive and incorporate provisions that address the diverse needs of all children in a range of settings, ensuring both safety and performance standards are met for secure transport.

Use of a lie flat restraint should be at the direction of a treating specialist team. Standards should develop performance requirements for lie flat restraints so these can also be referenced in the mandatory standards.

Updating the ARRs to reflect developments in the latest Australian Standard (AS/NZS 1754:2024) will ensure legislation incorporates provisions for children with disabilities and medical conditions, keeps pace with technology and reflects a more inclusive approach to child passenger safety.

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<sup>5</sup> Department of Transport and Main Roads (2023) *Child Restraints: Street Smarts*, Queensland Government, <https://streetsmarts.initiatives.qld.gov.au/parents/child-restraints/>

With any changes to the ARR, the Commission advocates for training for child restraint fitters on disability-specific needs. Furthermore, where a medical practitioner has provided an exemption, this should also provide legal protection from enforcement activity.

Scope expansion (taxis and rideshare)

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*An examination of the Commission's Queensland Child Death Register indicates that, since 2004, no children have died in road crashes whilst riding in taxis or rideshare vehicles in Queensland (2004 to 31 November 2025).*

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Nonetheless, taxis and rideshares should not be exempt from road rules which protect children's safety when travelling on the road. Currently in the Queensland Road Rules, young children aged under 1 are allowed to ride on the lap of a person aged over 16 years of age when travelling in taxis and tow trucks. This offers no protection in the event of a crash – children who are not in any type of restraint are at much greater risk of serious injury or death.

The Commission advocates for children riding in taxis and rideshare vehicles (and tow trucks) to be protected by laws which require the use of a child car restraint suitable for the child's size and age.

I have enclosed a copy of the Commission's Report, which provides additional data for your consideration. The report can also be accessed via the Commission's website, under [Safer Pathways Through Childhood](#).

If you would like to discuss this matter further, please don't hesitate to contact me directly on \*\*\*\*\* or via email at \*\*\*\*\*@qfcc.qld.gov.au.

Yours sincerely

**Luke Twyford**

Principal Commissioner  
Queensland Family and Child Commission  
December 2025