



Australian Competition & Consumer Commission

DISCUSSION PAPER

Review of the Consumer Product Safety Standard for child restraint systems for use in motor vehicles

This discussion paper details proposed changes to the product safety standard for child restraint systems for use in motor vehicles

21 November 2013

Closing date for submissions 16 January 2014

Australian Competition and Consumer Commission
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Purpose

The purpose of this discussion paper is to:

- inform key stakeholders of the reasons for proposed changes to the mandatory standard for child restraint systems for use in motor vehicles (**the Standard**),
- consult with key stakeholders on these changes; and
- obtain any additional information from stakeholders to help inform the revision of the Standard.

The ACCC will consider feedback received via this consultation process when forming its recommendation to the Minister. If the comments received result in substantial changes to the options outlined in this paper, a second round consultation (or potentially a Regulation Impact Statement) may be required.

Summary

This paper reviews the Standard, levels of compliance and relevant injury data. Based on the outcome of this review, it proposes that child restraint systems for use in motor vehicles (**child restraints**) continue to be regulated. The ACCC's current view is that ongoing regulation of child restraints remains reasonably necessary to prevent or reduce the risk of injury to any person.

The paper does not support maintaining the Standard without change. It proposes that amendment be made to reference the most recent revision of the relevant voluntary standard, Australian/New Zealand Standard AS/NZS 1754:2013 *Child Restraints for Use in Motor Vehicles (AS/NZS 1754:2013)*, with some variations.

It also proposes that the revised Standard continues to allow supply of child restraints which comply with the two previous iterations of the voluntary standard (as amended), AS/NZS 1754:2010 and AS/NZS 1754:2004. Restraints compliant with AS/NZS 1754:2000 (as amended) would no longer be allowed to be supplied.

Changes to the Standard, based on the most recent iteration of the voluntary standard, include the introduction of:

- requirements for ISOFIX compatible child restraints,
- new type designation for rear facing seats to allow children to stay rear facing for longer,
- requirements for certain types of child restraints to cater for older or younger children,
- new requirements for dynamic testing, and
- warning label requirements for Type A child restraints about wrapping an infant in a blanket or swaddle;

with variations or exclusions related to:

- child restraints designed for children with disabilities,
- child restraints suitable for use on aircraft,
- flammability, toxicity and stabilisation,
- the rebound sled used for full type testing, and
- batch testing.

The option of removing all mandatory regulation of child restraints was considered but is not recommended as the Standard specifies minimum design, construction and performance requirements to ensure that child restraints supplied in the Australian market have key safety features that reduce the risks of injury or death to a child in the event of a motor vehicle accident.

If the Minister agrees to amend the Standard, a lead time of 12 months to enable suppliers to make any necessary changes would be considered appropriate.

Consultation

Stakeholders are invited to make submissions on the proposal set out in this paper—or to make alternative submissions on relevant issues not covered in this paper. Submissions are invited from stakeholders including suppliers of child restraints and other interested parties.

The closing date for stakeholders to provide feedback is **16 January 2014**.

You are encouraged to provide feedback on a draft Consumer Protection Notice at **Appendix A** at page 15 which details the proposed changes.

We are also seeking in particular:

- feedback on any additional compliance costs or savings associated with the introduction of the revised Standard, for example, due to no longer allowing the supply of child restraints compliant with the 2000 version of the AS/NZS 1754 (as amended)
- any evidence which demonstrates that child restraints that have passed a non-rebound sled but did not pass the re-bound sled, are or are likely to be unsafe
- recent nationwide and fatality injury data.

We welcome any additional feedback you may wish to provide.

You are encouraged to respond by email to:

Email: productsafety.regulation@acc.gov.au

Subject: Child restraint systems for use in motor vehicles review

Alternatively you may mail your response to:

Director
Regulated Products and Compliance
Product Safety Branch
ACCC
GPO Box 520
Melbourne VIC 3001

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The ACCC may be compelled by law to disclose submissions (for example under subpoena or following a request under the *Freedom of Information Act 1982*). For more information see the ACCC-AER Information Policy available via www.accc.gov.au

Background: The Australian product safety system

Section 104 of the ACL allows the Commonwealth Minister to make a safety standard for consumer goods which may consist of such requirements as are 'reasonably necessary to prevent or reduce the risk of injury to any person'. Safety standards made under the ACL are co-operatively enforced by the ACCC and state and territory fair trading agencies.

Section 106 of the ACL provides that a person must not in trade or commerce, supply, offer for supply or manufacture for supply, consumer goods of a particular kind if those goods do not comply with a safety standard currently in force for those goods.

The term 'supply' in relation to consumer goods (like child restraints) means supply by way of sale, offer for sale, exchange, lease, hire or hire-purchase.

Background: Regulation of child restraints

The national mandatory consumer product safety standard for child restraints was originally introduced in Australia in 1978 and was last revised in May 2011. The legislative instrument enabling the Standard is Consumer Protection Notice No. 21 - *Safety Standard: Child Restraint Systems for Use in Motor Vehicles*. The purpose of the Standard is to ensure that child restraints supplied on the Australian market have key safety features that reduce the associated risks of injury to/death of a child while travelling in a motor vehicle.

The mandatory safety standard for child restraints regulates the supply of child restraints. The use of child restraints is regulated via state/territory road traffic authority user requirements. Together, they ensure that safe product is available to, and used by, Australian consumers.

The current regulation

The Standard incorporates, with variations, the 2000, 2004 and 2010 versions of the Australian/New Zealand Standards - AS/NZS 1754. An updated version of the AS/NZS 1754 was published by Standards Australia on 7 June 2013 and this is not yet incorporated into the Standard.

The Standard's technical requirements are drawn from the AS/NZS 1754, including:¹

- A unique design requirement compared to International Standards – the top tether strap - as part of the vehicle/child restraint interface. The overriding benefit of a top tether is its influence on reducing child occupant head excursion. Protecting the head from contact with the vehicle interior is the highest priority of any child occupant protection system.
- Specifications for the length of the top tether when adjusted to its shortest length;
- Specifications for the location of mounting points for top tether straps in cars (to assist greater accessibility);
- Single point adjustment for the harness;
- Double crotch straps in forward facing restraints (i.e. a mandatory 6 point harness);
- For crash sled testing, a specially developed infant dummy, much more flexible and hence more prone to ejection than overseas infant dummies;
- A test for ease of adjustment;
- A requirement that any cover from a child restraint must be removable either without having to remove the harness or by having a harness arrangement which allows the shoulder strap to disengage from hardware located in either of two positions to the rear of the occupant;
- A comprehensive dynamic test method that includes frontal, side, rear and inverted simulated impacts;
- Permanent and legible marking, amongst other details, with the manufacturer's name, trademark, or other means of identification; and
- General information and instructions for installation, use and maintenance are to be provided in a booklet or sheet.

Child restraints

A child car restraint is a device used together with an adult seatbelt or ISOFIX compatible lower attachment connectors to restrain a child passenger and reduce the risk of their bodily injury or death in the event of a car accident.

There are six main different types of child restraints currently supplied in Australia.² These are:

- **Type A:** Rearward-facing or transversely installed restraint with a harness or other means of holding the child back
- **Type B:** Forward-facing chair with a harness
- **Type C:** Forward-facing harness to be used with a booster seat and/or without a chair
- **Type D:** Rearward-facing chair with harness
- **Type E:** A booster seat used with a lap-sash seat belt, or a Type C child restraint and a seat belt
- **Type F:** A booster seat used with a lap-sash seat belt, suitable for children approximately 4 to 8 years old whose height is less than 128 cm, or a Type C child restraint and a seat belt
- **Type G:** A booster seat used with a lap-sash seat belt, suitable for children older and taller than prescribed for Type F child restraints, or a Type C child restraint and a seat belt

¹ See also RACV, 'Safety Innovations for Australian Child Restraints' (2004) Research Report 04/04, p2.

² Summary of the different types of child restraints provided in the AS/NZS 1754:2013. Please note that there are more child restraint types in the 2013 version than the 2004 and 2010 versions of the AS/NZS 1754.

- **Type H:** A converter used with a booster seat and/or seatbelt without a booster seat, depending on the age of the child.

Combination type: Child restraints can also be a combination of the above types. For example, a Type A/B converter seat.

Child restraints retail at a range of prices. The cheapest restraints cost \$50. High end convertible restraints can reach prices of \$650. Based on an estimated average price of \$250 for a child restraint, the retail value of child restraints sold per year is estimated at around \$87.5 million.

Market

It is estimated that more than 250,000 child restraints are sold annually in Australia.³ The most popular product types are convertible restraints designed to be used for a longer period of the child's life, for examples, convertible restraints for newborns to 4 years and convertible booster seats that cater for 12 months to 8 years.

The child restraint market is highly concentrated and dominated by a small number of vertically integrated Australian suppliers (for examples, IGC Dorel Pty Ltd, InfaSecure Pty Ltd and Britax Childcare Pty Ltd) who manufacture, import and wholesale the majority of child restraints sold in Australia.

Approximately 50 per cent of the products in the Australian market are manufactured locally and the balance is made up by imported products. Local manufacturers are facing strong competition from importers of Chinese manufactured products.

Child restraints are sold in a range of retail outlets in Australia, including specialist children's and baby goods stores, department stores and automotive stores. The specialist children's and baby stores appear to be the largest market sector as it also has a group of suppliers who trade exclusively online. These online traders include My Baby Warehouse, BabyZoneDirect, BubsBabyShops, Baby Shop Direct, Tiny Tots and Baby Online Direct.

Injury data

A study published in the Medical Journal of Australia (MJA) in June 2007 showed that:⁴

- In Australia in 2005, 72 child passengers under the age of 16 were killed in motor vehicle accidents, accounting for about two-thirds of all road user deaths in this age group.
- About a thousand Australian children are seriously injured in motor vehicle accidents each year, despite 92% using seatbelts and child restraints.
- Car accidents are the most common cause of injury and deaths for Australian children aged 1-14 years and account for about 40% of all injury-related deaths.
- Premature graduation of children to adult seatbelts, misuse of seatbelts and use of lap-only belts increase the risk of injury or death.
- Australian parents believe child restraint installation is easy, however research indicates that more than 20% of restraints are fitted incorrectly (e.g. top tether not connected, seatbelt

³ This estimate is based on a figure cited in the 2007 ACCC 'Regulation Impact Statement' for 'Consumer Product Safety Standard - Child Restraint Systems for Use in Motor Vehicles' (page 6). **The ACCC requests for current sales figures.**

⁴ Katie N Reeve, Yvonne A Zuryinski, Elizabeth J Elliot and Lynne Bilston, 'Seatbelts and the law: how well do we protect Australian children?' 186(12) *Medical Journal of Australia* 635, 635-638.

incorrectly threaded or not buckled, anchorage point used incorrectly). About two-thirds of parents consider using licensed restraint-fitting stations.

Although the use of correctly fitted child restraints does not reduce the risk of motor vehicle accidents occurring, there is a significant body of evidence suggesting that their use does reduce the risk of injury or death when an accident occurs.

Compliance

ACCC marketplace surveillance results in 2009 in 2012 indicated a high compliance level with the Standard. In 2009 there were no breaches identified amongst the 74 product lines surveyed across the ACT and NSW. In 2012, all of the 1,827 product lines inspected from 325 outlets across the ACT, NSW, QLD, SA and WA were considered compliant.

Since 1986 there have been 18 recalls of child restraints for a range of faults and significant non-compliances with the Standard. For example, in November 2012, three large suppliers of child restraints conducted a voluntary recall of 60,000 child restraints due to a faulty anchor kit supplied by Hemco Industries. Of the 18 recalls, two were instigated by the ACCC for the supply of child restraints seats without upper tether straps.⁵

Hazards addressed by the current regulation

The primary hazard addressed by the current regulation is the risk of serious injury or death of children in a motor vehicle accidents where their child restraint does not have key safety features considered reasonably necessary. Standard motor vehicle seat belts are not effective enough for young children. Australian road laws recognise (and complement the mandatory standard covering the supply of child restraints) this by requiring the use of effective child restraints.⁶

The Australian/New Zealand Standard for child restraints, AS/NZS 1754 *Child restraint systems for use in motor vehicles* is widely recognised internationally as one of the most stringent child restraint standards in the world⁷ with children in Australian Standards approved child restraints surviving motor vehicle crashes previously thought to be unsurvivable by overseas experts.⁸

Is continued regulatory intervention justified?

Continued regulatory intervention appears justified for the following reasons:

Reduce the risk of injury and death

- It is difficult to obtain injury data to show whether the motor vehicle child restraints, by themselves, have been effective in preventing infant injuries and death or that their improper selection and/or use has contributed to injury/death. However, studies cited in a MJA article indicated that child restraints reduce the risk of injury and death in a car crash by

⁵ One recall in 2008, see PRA 2008/10153 *Xport Investments. Baby Shield Child Restraint System* via the ACCC Product Safety Recalls Australia website www.recalls.gov.au. Another recall in 2009, see PRA 2009/10940 *WORWO Baby Car Seat*.

⁶ Australian Competition and Consumer Commission (ACCC), 'Regulation Impact Statement' for 'Consumer Product Safety Standard - Child Restraint Systems for Use in Motor Vehicles' (March 2007) p3.

⁷ RACV, 'Safety Innovations for Australian Child Restraints' (2004) Research Report 04/04, p22.

⁸ ACCC, 'Regulation Impact Statement' for 'Consumer Product Safety Standard - Child Restraint Systems for Use in Motor Vehicles' (March 2007) p4; Katie N Reeve, Yvonne A Zuryinski, Elizabeth J Elliot and Lynne Bilston, 'Seatbelts and the law: how well do we protect Australian children?' 186(12) *Medical Journal of Australia* 635, 635.

minimising contact with the vehicle's interior, reducing impact forces and spreading forces onto less vulnerable parts of the body.⁹

- When correctly selected, installed and used, compliant child restraints should provide protection for a child well beyond that of a standard seat belt.¹⁰ According to Kidsafe Australia, research has shown that approved and properly fitted child restraints may reduce the risk of death or serious injury in road crashes by up to 70%.¹¹

Inefficacy of self-regulation

- Without continued regulatory intervention, suppliers and potential entrants would be free to market any standard of restraint, without due consideration of key safety factors. Revoking the Standard was considered but is not recommended as the Standard specifies minimum design, construction and performance requirements to ensure that child restraints supplied in the Australian market have key safety features that reduce the risks of injury or death to a child in the event of a motor vehicle accident. The ACCC does not believe that the market would 'self-regulate' to ensure these key safety features were present in the absence of a mandatory requirement to do so.
- Remedial action (such as product recalls) sought by the ACCC from suppliers for significant breaches of the Standard indicates that continued regulatory presence is necessary to ensure adequate levels of product safety in the market.

Consumers cannot assess the product's level of protection

- Due to the highly technical dynamic and other performance safety requirements, child restraint buyers could not reasonably be expected to assess the safety or otherwise of a restraint.

Proposed changes to the mandatory standard

The current proposal is for AS/NZS 1754:2013 to be adopted as mandatory in its entirety—with five main variations which are outlined on pages 11-13 of this consultation paper. Adopting these changes will reflect industry and testing developments which have occurred since the current Standard was made in May 2011.

AS/NZS 1754:2013 introduced, amongst other things, the following new elements to the voluntary standard:

- An ISOFIX compatible child restraint allows the seat to clip into two rigid or flexible ISOFIX lower anchorage points at the back car seat. An ISOFIX system aims to reduce the incidence of misuse and to improve the overall level protection provided by the child restraint systems in crashes.

At present, ISOFIX child restraints are not legally able to be supplied in Australia. The introduction of this change, allowing ISOFIX restraints, will provide consumers a greater choice of child car seats.

⁹ Katie N Reeve, Yvonne A Zuryinski, Elizabeth J Elliot and Lynne Bilston, 'Seatbelts and the law: how well do we protect Australian children?' 186(12) *Medical Journal of Australia* 635, 635-638.

¹⁰ ACCC, 'Regulation Impact Statement' for 'Consumer Product Safety Standard - Child Restraint Systems for Use in Motor Vehicles' (March 2007) p6.

¹¹ Kidsafe, 'A Parents Guide to Kidsafe Roads' (2011) 4th edn p15, accessed via <http://www.kidsafe.com.au/A%20Parents%20Guide%20to%20Kidsafe%20Roads%20FINAL%20WA.pdf> at 9 May 2013.

As it may be many years before all vehicles are fitted with ISOFIX lower anchorage points, the revised AS/NZS 1754 requires that ISOFIX compatible child restraints must also be capable of being installed into vehicles using just the car's seatbelt and used with an upper tether strap (consistent with the requirements of the 2004 or 2010 version of the AS/NZS 1754). Put another way, consumers will be able to choose to use an ISOFIX compatible child restraint as an ISOFIX system or an upper tether strap system.

- The new Type A4 child restraint allows children stay rear facing for longer.
- Prior to the new revision, the inbuilt harnesses requirements only catered for children approximately 6 months to approximately 4 years old. The new revision requirements cater for older children; to approximately 8 years old.
- A new test method has been included that defines a single method of testing energy attenuation of side structure of child restraints
- Test requirements for Type A restraints have been revised to allow the optional designation of the child restraint to be suitable for low birth weight infants.
- Provision of instruction booklet with the child restraint.

After a Brisbane Coronial Inquiry into the death of an eight week old baby in a road accident, who was incorrectly restrained in a baby capsule and ejected from the vehicle, the following new requirements were introduced to the voluntary standard:

- the cover of the instruction booklet or sheet shall state that this booklet/sheet must be kept in the place provided (in the storage location or pocket which is permanently fixed on the restraint or cover see Clause 6.4.1) on the child restraint, or for Types C1 and C2 child harnesses and Type H must be in the package with the restraint,
- the instruction booklet must include advice about the potential for an infant to be ejected and killed if the baby is wrapped in a blanket or swaddled (see Clause 6.4.3 (ss)), and
- for Type A restraints, a warning to not wrap an infant in a blanket or swaddle (see Table 6.2 in the voluntary standard).

Proposed variations from AS/NZS 1754:2013

As previously mentioned, the ACCC is proposing that the AS/NZS 1754:2013 be adopted as mandatory in its entirety—with five main variations:

1. Child restraints designed for children with disabilities

Clause 3.13 provides that child restraints designed for children with disabilities requiring special needs should meet the *'intent'* of the Standard. Similar wording has appeared in the 2004 and 2010 versions of the AS/NZS 1754 (upon which the current Standard is based). According to the 2007 Regulatory Impact Statement¹² this clause had created uncertainty amongst suppliers as to whether their product would meet this requirement and caused their general reluctance to supply such restraints due to concern that their product would be assessed as non-compliant with the Standard.

¹² ACCC, 'Regulation Impact Statement' for 'Consumer Product Safety Standard - Child Restraint Systems for Use in Motor Vehicles' (March 2007) p8.

It is proposed that the requirement for restraints designed specifically for children with disabilities be exempted from the new Standard to avoid creating supplier confusion and potential compliance/enforcement difficulties.

2. Child restraints suitable for use on aircraft

The AS/NZS 1754:2013 introduces new requirements for manufacturers who opt to design and test the suitability of their child restraints for use on aircrafts.

However it is considered inappropriate to incorporate the requirements for restraints suitable for use on aircraft in the new Standard given the intent of the Standard is to reduce the risk of injury or death in motor vehicles.

It is proposed to exclude this requirement from the Standard.

3. Flammability, Toxicity and Plastics Stabilisation

It is proposed that the requirements for child restraints in relation to flammability, toxicity and plastics stabilisation be excluded from the new Standard unless the ACCC receives evidence of serious injuries or death attributed to any of these factors during this consultation process.

4. Rebound sled for full type testing

Clause 5.1 requires, amongst other things, that:

For type testing of child restraints for certification purposes, the dynamic test rig shall operate by using a rebound method to achieve the desired deceleration where the forward velocity change is no greater than 75% of the total velocity change.

This requirement was introduced due to a concern about potential inconsistency of test results if different types of test sleds, namely non-rebound and rebound sleds, were used. The ACCC is aware of claims that there are known incidents where a child restraint has passed a non-rebound sled but failed rebound sled testing.

The ACCC requests any evidence which demonstrates that child restraints that have passed a non-rebound sled but did not pass the re-bound sled, are or are likely to be unsafe.

Unless this evidence is provided to the ACCC, it is proposed that the requirement for a rebound sled be used for full type testing be excluded from the new Standard.

This will prevent the situation where laboratories equipped with a non-rebound sled are potentially excluded from conducting full type tests and therefore unable to attain accreditation to test to the full requirements of AS/NZS 1754:2013.

5. Batch testing

Clause 1.6 requires that manufacturers must regularly sample and test child restraints in accordance with a prescribed method to demonstrate ongoing product compliance with the AS/NZS 1754:2013.

It is proposed, however, that this requirement is exempted from the new Standard to reduce the regulatory burden by giving suppliers flexibility as to how they demonstrate product compliance.

It should be noted that while products supplied must comply with mandatory safety standards, this does not mean suppliers are legally required to test for compliance with such standards.¹³ However, being able to produce a test report showing compliance with a mandatory standard is considered sound business practice and an important element of any prudent supplier's compliance program.¹⁴

Earlier versions of AS/NZS 1754

The current Standard allows supply of child restraints which comply with the 2000, 2004 or 2010 versions of AS/NZS 1754 (as amended). This is because of the recognised long life of child restraints and the continued sale and hire of older model child restraints which were made to meet the requirements of earlier versions of AS/NZS 1754.

The new Standard will continue to recognise child restraints which meet the requirements of either the 2004 or 2010 versions of the AS/NZS 1754 (as amended) – in addition to the 2013 version, with the amendments outlined above.

Based on this, compliance with the 2000 version of AS/NZS 1754 would no longer meet the requirements of the Standard and these child restraints would not be able to be legally sold in Australia. While AS/NZS 1754:2000 certified restraints may still generally be considered safe, the use of child restraints which are more than 10 years old and meet versions of AS/NZS 1754 published before 2004 is generally not recommended. The introduction of the new Standard will be accompanied by an enhanced consumer and supplier education campaign to help ensure that stakeholders are aware of any changes.

Booster cushions are not included in the 2010 or 2013 version of AS/NZS 1754. However they are included in the 2004 version – and so booster cushions compliant with this standard (as amended) will still be able to legally be supplied in Australia.

Time to commencement

A lead time of 12 months would ensure that older child restraint stock compliant with the 2000 version of AS/NZS 1754 could be run down. This is consistent with the lead in time provided to suppliers when the mandatory standard was last updated in 2011.

Anticipated impact on the market

The ACCC anticipates that these proposed changes to the Standard will generally be readily accommodated by industry and supported by consumers. Industry has, for some time, actively sought for ISOFIX compatible restraints to be included in the Standard so they could be legally sold in Australia.

Similarly, both individual consumers and consumer advocacy groups have contacted the ACCC with questions about when ISOFIX restraints will be legal to supply. Since the most recent voluntary standard was published, the ACCC has received an increased number of calls from suppliers and consumer groups regarding these changes and wanting to know when the mandatory standard would be updated so they could purchase an ISOFIX compatible restraint.

Combined with the desire to allow for product development and innovation where safety is maintained or improved, this is a key driver behind the ACCC's work to update the Standard.

¹³ ACCC, 'Product Safety – A Guide to testing' (May 2011) p7.

¹⁴ ACCC, 'Product Safety – A Guide to testing' (May 2011) p8.

The ACCC also expects little if any negative impact in suppliers as a result of these changes: survey results indicate that the majority of child restraints supplied in Australia already comply with either the 2004 or 2010 versions of the AS/NZS 1754.

Related product: Aftermarket accessories for child restraints

The current and proposed new mandatory standard for child restraints covers accessories which are supplied with¹⁵ the child restraint, but not accessories sold separately for use with child restraints.

A new voluntary standard covering accessories for child restraints sold separately was published on 8 May 2013: *AS/NZS 8005:2013 Accessories for child restraints for use in motor vehicles*. The objective of this voluntary standard is to “provide minimum requirements for the design, construction, performance and informative labelling for products sold separately as accessories for child restraints covered by AS/NZS 1754, *Child restraint systems for use in motor vehicle*.”¹⁶

The ACCC is not currently planning on recommending to the Minister that these requirements be mandated.

Conclusion

This discussion paper proposes amendments to the Standard so that it references the most recent version of the relevant voluntary standard, AS/NZS 1754:2013, with variations or exclusions related to:

- child restraints designed for children with disabilities,
- child restraints suitable for use on aircraft,
- flammability, toxicity and stabilisation,
- the rebound sled used for full type testing, and
- batch testing.

The proposed changes are supported by both compliance and injury data reviewed by the ACCC.

The primary purposes of the proposed amendments are to update the Standard so that suppliers can utilise the latest Australian/New Zealand Standard, AS/NZS 1754:2013, and consumers can benefit from increased choice and the corresponding improvements in safety. The adoption of the 2004 and 2010 versions of the AS/NZS 1754 in the new Standard takes into account the ‘long life’ of child restraints and allows the continued sale and hire of older product models.

¹⁵ In contrast to the 2004 and 2010 versions of the AS/NZS 1754, the new AS/NZS 1754:2013 defines ‘accessories fitted to or with the restraint at point of sale’ as ‘removable items’. See Clause 1.4.36.

¹⁶ See second paragraph of AS/NZS 8005:2013 *Accessories for child restraints for use in motor vehicles*, p2.

Appendix A: Draft Consumer Protection Notice XX of 2014

COMMONWEALTH OF AUSTRALIA

COMPETITION AND CONSUMER ACT 2010

Consumer Protection Notice No. XX of 2014

SAFETY STANDARD: CHILD RESTRAINT SYSTEMS FOR USE IN MOTOR VEHICLES

I, XXXXX XXXXXX, Minister for Small Business, pursuant to subsection 105(1) of Schedule 2 to the *Competition and Consumer Act 2010*, hereby:

- (a) **REVOKE** the Consumer Product Safety Standard declared under section 106 of Schedule 2 of the *Competition and Consumer Act 2010* by Consumer Protection Notice No. 21 of 2011;
- (b) **DECLARE** that, in respect of consumer goods of a kind specified in Division 1 of the Schedule to this Notice, the standards approved by Standards Australia specified in Division 2 of the Schedule, as varied by Division 3 of the Schedule, are safety standards for the purposes of section 106 of Schedule 2 to the *Competition and Consumer Act 2010*.

THE SCHEDULE

Division 1: Particulars of the consumer goods

The following consumer goods are specified:

- (1) Child restraints for use in motor vehicles, being devices to reduce the risk of bodily injury to a child passenger in the event of a motor vehicle impact.
- (2) Components:
 - (a) to restrain a child in a child restraint;
 - (b) to anchor a child restraint to a motor vehicle; and
 - (c) to restrain a vehicle seat.
- (3) Booster seats for use in motor vehicles, being devices:
 - (a) for raising a child's position in a motor vehicle; and
 - (b) for adapting an adult seat belt for use as a child restraint; and
 - (c) having a back above the seating plane.
- (4) Booster cushions for use in motor vehicles, being devices:
 - (a) for raising a child's position in a motor vehicle; and
 - (b) for adapting an adult seat belt for use as a child restraint; and
 - (c) having no back above the seating plane.

Note: This safety standard does NOT apply to motor vehicle child restraints designed for children with a disability or to items that are an integrated feature of a motor vehicle.

Division 2: The Australian/New Zealand Standards referenced by this regulation

Australian/New Zealand Standard AS/NZS 1754:2013, *Child restraint systems for use in motor vehicles*, approved by Standards Australia and published on 7 June 2013;

or

Australian/New Zealand Standard AS/NZS 1754:2010, *Child restraint systems for use in motor vehicles*, published 24 February 2010 as amended by, and incorporating, all amendments approved and published by Standards Australia prior to the date of this instrument;

or

Australian/New Zealand Standard AS/NZS 1754:2004, *Child restraint systems for use in motor vehicles*, published 8 November 2004 as amended by, and incorporating, all amendments approved and published by Standards Australia prior to the date of this instrument;

Division 3: Variations

Australian/New Zealand Standard AS/NZS 1754:2013 is varied by:

- (1) Deleting the text “passenger cars and their derivatives,” and replacing with “motor vehicles,” in the first sentence of clause 1.1;
- (2) Deleting the second sentence of clause 1.1;
- (3) Deleting clause 1.6;
- (4) Deleting clauses 2.3; 2.4; and 2.5;
- (5) Deleting clauses 3.13; 5.2.2(b); and 6.3(h);
- (6) Deleting clauses 3.14; 4.6; 5.8; 6.3(r); 6.4.3(o)(v); 6.4.3(oo); 6.6(n)(E); and 6.6(x);
- (7) Deleting the following texts in Table 5.1:
 - (a) ‘For aircraft testing TNO P¼’;
 - (b) ‘For aircraft testing TNO P1½’;
 - (c) ‘For aircraft testing TNO P3’;
 - (d) ‘For aircraft testing TNO P6’;
- (8) Deleting Figures 3.17; and 6.5;
- (9) Deleting the second paragraph of clause 5.1; and

(10) Deleting Appendix F, Table F1, and Table F2.

Australian/New Zealand Standard AS/NZS 1754:2010 (as amended) is varied by:

- (1) Deleting the text “passenger cars and their derivatives,” and replacing with “motor vehicles,” in the first sentence of clause 1.1;
- (2) Deleting the second sentence of clause 1.1;
- (3) Deleting clauses 2.3; 2.4; and 2.5; and
- (4) Deleting clauses 3.12; 5.2.2(b); and 6.3(h).

Australian/New Zealand Standard AS/NZS 1754:2004 (as amended) is varied by:

- (1) Deleting the text “passenger cars and their derivatives,” and replacing with “motor vehicles,” in the first sentence of clause 1.1;
- (2) Deleting the second sentence of clause 1.1;
- (3) Deleting clauses 2.4; 2.5; and 2.6; and
- (4) Deleting clauses 3.12; 5.2.2(b); and 6.3(h).

Dated this XXnd day of [month] 2014.

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Minister for Small Business