



Speech by

**Michael Caltabiano**

**MEMBER FOR CHATSWORTH**

Hansard Wednesday, 1 March 2006

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## **TRANSPORT (AMENDMENT OF QUEENSLAND ROAD RULES) BILL**

### **Second Reading**

**Mr CALTABIANO** (Chatsworth—Lib) (10.14 am): I move—

That the bill be now read a second time.

Queensland Transport has identified road crashes as the largest single cause of child deaths across Queensland, with six children under the age of six being killed and 312 being seriously injured whilst passengers in motor vehicle accidents in 2004 alone. A significant factor contributing to this figure is child passengers whose parents or carers are not using an appropriate restraint for the child's height and weight. Of the 318 children killed or injured in 2004, 301 had a fitted child restraint and 93 per cent of these children were positioned in their restraint. However, RACQ research has identified that up to 58 per cent of child restraints used in Queensland are fitted incorrectly. The current regulations contained in the Transport Operations (Road Use Management—Road Rules) Regulation 1999 provide that children under the age of one are to be restrained in a suitable approved child restraint. Children who are at least one year old but less than 16 years old must be restrained in a suitable approved child restraint or occupy a seating position fitted with a suitable seatbelt. Nowhere in the legislation is it recognised that height and weight determines the type of restraint that should be used, nor does it regulate the sale, hire or installation of restraints. This allows unsuitable and unsafe restraints to be sold and installations to be conducted by people who are not qualified to do so.

In seeking to reduce the rate of child fatalities in Queensland that are a direct result of an unsuitable child restraint being used or installed incorrectly, this bill increases the age for the use of a suitable approved child restraint from one year to seven years and contains provisions that regulate the sale, hire and installation of child restraints. This is done through the requirements for businesses to be accredited and its staff to have completed a recognised qualification in the fitting or installing of child restraints. I seek leave to have the remainder of my second reading speech incorporated in *Hansard*.

Leave granted.

Reasons for the Bill

Despite research indicating that over 90% of parents and carers are familiar with the importance of children wearing child restraints, the incidents of child restraints being inappropriate for the child's height and weight and/or being installed incorrectly in a vehicle are extremely high.

In the 1999 RACQ Report, Child Restraint Advice and Fitting Service in Queensland, research indicated that for children under the age of 3, 40% of parents and carers were found to be using an incorrect restraint for their child's height and weight. In children aged 4 to 7 years, this figure rose dramatically to 58%. This dramatic increase is attributable to 94% of parents and carers believing that adult seat belts are suitable for children under the age of 7 despite that these children should still be in an appropriate child restraint. For children weighing between 14 and 26 kilograms, which is from approximately 3 to 7 years old, they should continue to be restrained in a child harness or a booster seat until they are an appropriate height and weight to use an adult seatbelt. If a child is too small and is restrained using a seat belt that touches their neck, this will do more harm than good to the child in the case of an accident.

In addition to parents and carers using the incorrect restraint for their child, there are problems with the installation of child restraints. Installation is more than simply selecting the right restraint for the child and putting it in the vehicle. The child restraint being used must also be suitable for the vehicle in which it is to be installed and determining this often requires professional advice.

Industry professionals have identified one of the most common situations where installation faults occur is with parents or carers who drive 4WD vehicles. Despite the restraint selected for their child being suitable for the child, it is often too big for the vehicle and therefore cannot be installed properly. Unlike a traditional family car like a Ford Falcon or Holden Commodore, a 4WD has significantly less space behind the seats which is particularly problematic with the use of infant capsules and frequently leads to installation faults. However, these faults are not restricted to capsules with convertibles and harnesses that also have a high rate of installation faults.

The Queensland Ambulance Service has found installation problems in more than half of all baby capsules they have inspected while RACQ research found that 30% of child restraints surveyed in South East Queensland had one or more installation faults and of these, 75% of the faults were lifethreatening in the event of a road accident. Despite these staggering numbers and the risks posed to children from incorrect restraint installation, 35% of parents and carers indicated they would never seek professional advice with the installation of child restraints and 78% believing that child restraints are easy to install.

Industry professionals and baby store specialists understand the importance of correct fitting and installation of child restraints and will give advice advocating this to their customers. However, only 20% of parents and carers purchased their child restraints from a specialist baby store and then only 15% of sales staff were seen by parents and carers as being 'very well informed' about the restraint's use and installation. Furthermore, child restraints are available for sale or hire in a variety of outlets across the state ranging from automotive stores to supermarket and variety stores where staff would frequently have less knowledge about restraint use and installation.

Overall, there is a very high rate of employees selling and installing child restraints who do not have sufficient knowledge to give advice on the appropriate restraint for a child or the installation of the restraint into the vehicle. This no doubt leads to unsuitable and incorrectly installed restraints being used and thereby putting the lives of children at risk in the event of a car accident.

#### Current Legislation

Section 266 of the Transport Operations (Road Use Management—Road Rules) Regulation 1999 governs the use of child restraints and seat belts by passengers in a vehicle under the age of 16. Currently, this legislation provides that for children under the age of 1, they must be restrained in a suitable approved child restraint and for children who are at least 1 year old but less than 16 years old they must be restrained in a suitable approved child restraint or occupy a seating position fitted with a suitable seatbelt.

The current legislation does not address such issues as the height and weight of the child which are the major factors determining what type of child restraint should be used for the child. Nor does the current legislation address that the parents and carers of children up to approximately 7 years of age, depending on weight, should still be using an appropriate child restraint for their child. Furthermore, the current legislation does not regulate the industry in any way. This opens the way for the sale or hire of unsuitable and unsafe child restraints and for the incorrect installation of these restraints in to vehicles. Some industry regulation would have a positive and significant effect on the safety of child restraints used in Queensland and would more than likely decrease the incidence of child deaths or injuries resulting from car accidents.

#### The Bill

This bill aims to address these issues and create a legal requirement for children up to the age of 7 to be restrained using a suitable approved child restraint and that all child restraints being sold, hired or professionally installed in Queensland are done so by an accredited business with certified staff. Through addressing these issues this bill seeks to reduce the rate of child fatalities and injuries in Queensland that are a direct result of an unsuitable child restraint being used or installed incorrectly. There are two major changes proposed by this Bill to achieve the policy objectives of the Bill:

1. Increasing the age for use of a suitable approved child restraint from 1 year to 7 years; and
2. Provide that businesses that sell, hire or install child restraints must be accredited by Queensland Transport and that depending on the business, one or more staff must have completed an approved qualification and be certified to fit and/or install child restraints.

Increasing the age for use of a suitable approved child restraint from 1 year to 7 years

This increase in the age for the use of a suitable approved child restraint reflects the results of research done by the RACQ and information supplied by Queensland Transport that indicates that children up to 26 kg, approximately 7 years old, should continue to be restrained using a child restraint the suitability of which is determined by the child's height and weight.

#### Business Accreditation and Employee Certification

These changes will provide industry regulation and in doing so will ensure that businesses involved in the sale, hire and installation of child restraints are accredited to do so and its employees are qualified to give advice to parents and carers. This will minimise situations where child restraints are inappropriate for the child as the restraint can be fitted specifically for that child. In addition, it will provide consumer protection in cases of installation. It will ensure that ALL installers of child restraints who claim to be qualified will be.

#### Conclusion

Increasing road safety and reducing the number of fatalities and injuries suffered by children resulting directly from unsuitable child restraints being used and/or being installed incorrectly is the purpose of this Bill. This purpose can be achieved through the attainment of the Bill's objective which is to create a legal requirement that all child restraints sold, hired and professionally installed in Queensland is done by an Accredited Business with qualified sales people and/or installers.

The amendments contained in this Bill have extensive industry support and through these amendments the objective and purpose of this Bill can be achieved and the children of Queensland better protected whilst passengers in motor vehicles.

I commend this Bill to the house.

Debate, on motion of Mr Lucas, adjourned.