



New South Wales

Fair Trading Amendment (Child Restraints) Regulation 2009

under the

Fair Trading Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Fair Trading Act 1987*.

LINDA BURNEY, MP
Acting Minister for Fair Trading

Explanatory note

The object of this Regulation is to update the product safety standard prescribed for child restraints. The Regulation prescribes the 2004 Australian/New Zealand Standard entitled AS/NZS 1754:2004, *Child restraint systems for use in motor vehicles*, in addition to the 1995 and 2000 versions of that standard (AS/NZS 1754:2000 and AS/NZS 1754:1995).

This Regulation is made under the *Fair Trading Act 1987*, including sections 26 and 92 (the general regulation-making power).

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Clause 1 Fair Trading Amendment (Child Restraints) Regulation 2009

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1 Name of Regulation

This Regulation is the *Fair Trading Amendment (Child Restraints) Regulation 2009*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Fair Trading Regulation 2007

Clauses 40–43A

Omit clauses 40–43. Insert instead:

40 Definitions

In this Division:

AS/NZS 1754:1995 means the Australian/New Zealand Standard entitled AS/NZS 1754:1995, *Child restraint systems for use in motor vehicles* (as amended by Amendment No 1 of 2 May 1997, Amendment No 2 of 9 May 1997 and Amendment No 3 of 2 May 1998) published jointly by Standards Australia and Standards New Zealand on 5 December 1995.

AS/NZS 1754:2000 means the Australian/New Zealand Standard entitled AS/NZS 1754:2000, *Child restraint systems for use in motor vehicles* (Incorporating Amendment No 1) published jointly by Standards Australia and Standards New Zealand on 1 February 2000.

AS/NZS 1754:2004 means the Australian/New Zealand Standard entitled AS/NZS 1754:2004, *Child restraint systems for use in motor vehicles* (Incorporating Amendment No 1) published jointly by Standards Australia and Standards New Zealand on 8 November 2004.

booster cushion means a device for raising a child's position in a motor vehicle and adapting an adult seat belt to make it suitable for a child, which does not have a back above the seating plane.

booster seat means a device for raising a child's position in a motor vehicle and adapting an adult seat belt to make it suitable for a child, which has a back above the seating plane.

child restraint means a device designed to reduce 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) booster seats, and

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Schedule 1 Amendment of Fair Trading Regulation 2007

- (e) booster cushions,
but does not include a child restraint that is designed for children with a disability or that is an integrated feature of a motor vehicle.

41 Safety standard

The product safety standard for a child restraint is that it must comply with:

- (a) AS/NZS 1754:1995, or
- (b) AS/NZS 1754:2000, or
- (c) AS/NZS 1754:2004.

42 Variation of AS/NZS 1754:1995

- (1) For the purposes of this Division, AS/NZS 1754:1995 is taken to be amended as follows:
 - (a) by omitting “passenger cars and their derivatives” from clause 1.1 and inserting instead “motor vehicles”,
 - (b) by omitting the second sentence from clause 1.1,
 - (c) by omitting clauses 2.4, 2.5, 2.6, 3.12, 5.2.2 (b) and 6.3 (h).
- (2) A cross-reference in the amended standard to a provision that is omitted by subclause (1) may be disregarded (to the extent that it relates to the omitted provision).

43 Variation of AS/NZS 1754:2000

- (1) For the purposes of this Division, AS/NZS 1754:2000 is taken to be amended as follows:
 - (a) by omitting “passenger cars and their derivatives” from clause 1.1 and inserting instead “motor vehicles”,
 - (b) by omitting the second sentence from clause 1.1,
 - (c) by omitting clauses 2.4, 2.5, 2.6, 3.12, 5.2.2 (b) and 6.3 (h).
- (2) A cross-reference in the amended standard to a provision that is omitted by subclause (1) may be disregarded (to the extent that it relates to the omitted provision).

43A Variation of AS/NZS 1754:2004

- (1) For the purposes of this Division, AS/NZS 1754:2004 is taken to be amended as follows:
 - (a) by omitting “passenger cars and their derivatives” from clause 1.1 and inserting instead “motor vehicles”,
 - (b) by omitting the second sentence from clause 1.1,

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- (c) by omitting clauses 2.4, 2.5, 2.6, 3.12, 5.2.2 (b) and 6.3 (h).
- (2) A cross-reference in the amended standard to a provision that is omitted by subclause (1) may be disregarded (to the extent that it relates to the omitted provision).