SECTION-BY-SECTION EXPLANATION

EXPOSURE DRAFT - Consumer Goods (Child Restraint Systems for use in Motor Vehicles) Safety Standard 2026

Part 1 – Preliminary

Section 1 – Name

This section provides for the Safety Standard to be cited as the *Consumer Goods (Child Restraint Systems for use in Motor Vehicles) Safety Standard 2026* (**Safety Standard**).

Section 2 – Commencement

This section provides that the Safety Standard commences on the day after it is registered on the Federal Register of Legislation.

Section 3 – Authority

This section provides that the Safety Standard is made under subsection 104(1) of the Australian Consumer Law (**ACL**). Subsection 104(1) of the ACL allows the Minister to make safety standards for consumer goods for the purposes of preventing or reducing the risk of injury to any person.

Section 4 – Schedules

This section provides that each instrument specified in a Schedule is repealed as set out in that Schedule, and any other item in a Schedule has effect according to its terms.

Section 5 – Definitions

This section defines key terms used throughout the Safety Standard.

The definition given to a 'child restraint system for use in a motor vehicle' by this section captures all devices that are designed, marketed or otherwise intended to reduce the risk of injury to a child in the event of a crash.

The definitions given to a 'booster cushion', 'booster seat' and 'child restraint' by this section encompass all devices that meet the definition of a 'child restraint system for use in a motor vehicle'.

The Safety Standard incorporates reference to technical standards developed and published by standard making bodies – those standards being incorporated instruments within the meaning given by subsection 104(5) of the ACL.

The definition given to the Australian/New Zealand Standard encompasses the definitions given to the Australian/New Zealand Standard 2013 and the Australian/New Zealand Standard 2024 such that each are versions of the Australian/New Zealand Standard.

Taken together, the definitions given to 'version' and 'updated version' of an incorporated instrument provide that an updated version of an incorporated instrument does not come about when there is a published amendment to that incorporated instrument. Rather, an updated version of the Australian/New Zealand Standard will be brought about when a substantive version with a corresponding year in the title beyond the Australian/New Zealand Standard 2024 is made available.

Section 6 – References to other instruments

This section provides that in the Safety Standard, unless the contrary intention appears:

- a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force, or existing, from time to time.

A note to this section refers to subsection 104(5) of the ACL which relevantly provides that a safety standard may make provision in relation to a matter by incorporating, with or without modification, any matter contained in any other instrument or writing as in force or existing at a particular time, or from time to time.

Section 7 – Application

This section sets out the consumer goods to which the Safety Standard applies. The Safety Standard applies to child restraint systems for use in motor vehicles (as defined in section 5 of the Safety Standard).

However, the Safety Standard does not apply to certain types of child restraint systems for use in motor vehicles where these systems are designed for children with a disability or complex medical needs, or devices which are an integrated feature of a motor vehicle.

Section 8 – Compliance with a relevant version of an incorporated instrument required

This section provides that where the Safety Standard requires compliance with the requirements of an incorporated instrument, compliance may only be achieved by complying with the requirements of a 'relevant version' of that incorporated instrument.

Subsection 8(2) provides that a 'relevant version' of an incorporated instrument can be:

- the Australian/New Zealand Standard 2013, until 2 years and 6 months after the publication date of the first updated version of the Australian/New Zealand Standard;
- the Australian/New Zealand Standard 2024, until 2 years and 6 months after the publication date of the second updated version of the Australian/New Zealand Standard;
- for an updated version of the Australian/New Zealand Standard, from 6 months after the publication date of that updated version until 2 years and 6 months after two further updated versions have been published.

The note to this section clarifies that the effect of section 8 is that there will be at least two relevant versions of an incorporated instrument at any one time thereby giving suppliers of child restraint systems for use in motor vehicles a choice of compliance options. An updated version of an incorporated instrument becomes a compliance option 6 months after it is published. The oldest version of an incorporated instrument is no longer a compliance option 2 years and 6 months after the next version is published.

At the time of writing, relevant versions of the Australian/New Zealand Standard are the Australian/New Zealand Standard 2013 and the Australian/New Zealand Standard 2024.

Part 2 – Basic requirements

Section 9 – Requirements during the transitional period

This section provides that during the transitional period (being a period of 12 months beginning on the day the Safety Standard commences), a child restraint system for use in a motor vehicle must comply with either:

- the requirements in Part 3 of the Safety Standard; or
- the Repealed Safety Standard.

Section 10 – Requirements after the transitional period

This section provides that after the transitional period, a child restraint system for use in a motor vehicle must comply with the requirements in Part 3 of the Safety Standard.

Part 3 – Details of requirements

Section 11 – Compliance with the Australian/New Zealand Standard

This section provides that a child restraint system for use in a motor vehicle complies with the requirements of Part 3 of the Safety Standard if it complies with a relevant version of the Australian/New Zealand Standard, subject to subsection 12(1). Paragraph 11(1)(a) precludes compliance of a child restraint system for use in a motor vehicle that is not of a type designated by a relevant version of the Australian/New Zealand Standard.

At the time of writing the Australian/New Zealand Standard 2013 designates 16 types of child restraint system for use in a motor vehicle and the Australian/New Zealand Standard 2024 designates 17 types (counting separately each type with the same letter designation as other types, but differing number designation, e.g. types 'A1', 'A1/0', 'A2' and 'A2/0' are each counted separately).

Section 12 – Modification of compliance requirements and modification of the Australian/New Zealand Standard

Subsection 12(1) provides that a child restraint system for use in a motor vehicle does not need to comply with any requirements in a relevant version of the Australian/New Zealand Standard relating to any subject matter listed in paragraphs 12(1)(a) to (g).

Subsection 104(5) of the ACL provides that a safety standard may incorporate reference to any instrument or writing (such as the Australian/New Zealand Standard) with modification.

Subsection 12(2) provides that a relevant version of the Australian/New Zealand Standard is modified such that each reference to a child restraint, booster seat or booster cushion is taken to be a reference within the meaning of those terms given by section 5 of the Safety Standard. This is to eliminate any uncertainty as to the application of the Safety Standard to a child restraint system for use in a motor vehicle where there are differences between the definition given to that device by the Safety Standard and a relevant version of the Australian/New Zealand Standard.

Subsection 12(3) provides that subsections 12(1) and (2) do not apply to the Australian/New Zealand Standards existing at the time this instrument commences. This is because sections 13 and 14 modify those standards.

Section 13 – Modification of the Australian/New Zealand Standard 2013

This section provides that the Australian/New Zealand Standard 2013 is modified by amending or deleting the requirements relating to the matters listed in subsections 13(1) to (12). This section modifies the Australian/New Zealand Standard 2013 in the same manner that subsections 12(2) and 12(3) modify the Australian/New Zealand Standard and the Australian/New Zealand Standard 2024 as amended after this instrument commences.

Section 14 – Modification of the Australian/New Zealand Standard 2024

This section provides that the Australian/New Zealand Standard 2024 is modified by amending or deleting the requirements relating to the matters listed in subsections 14(1) to (16). This section modifies the Australian/New Zealand Standard 2024 in the same manner that subsections 12(2) and 12(3) modify the Australian/New Zealand Standard and the Australian/New Zealand Standard 2024 as amended after this instrument commences.

Schedule 1 – Repeals

Schedule 1 provides that the *Competition and Consumer Act 2010 – Consumer Protection Notice No.3 of 2014 – Safety Standard: Child Restraint Systems for use in Motor Vehicles (Federal Register of Legislation No. F2014L01252)* is repealed.