

Information for school transport operators – child restraints

The following information is provided to clarify the requirements for school transport operators under the Queensland Road Rules and the *Code of Conduct for School Students Travelling on Buses*.

Taxis and limousines

- Parents/carers are able to provide their own child restraint and may need to make prior arrangements with the organisation providing the transport.
- All taxis should have an anchor bolt that can be used to fit a child restraint. Taxis do not need to supply child restraints.
- A taxi driver will be exempt from ensuring that children up to the age of seven are restrained in an approved child restraint. This exemption only applies if an appropriate restraint is not available in the taxi and if the taxi has two or more rows of seats and the passenger is not in the front row of seats.
- If a child restraint is available and is used, the taxi driver assumes responsibility for the restraint of the child.
- If a child restraint is not available the child must not be seated in the front row of seats.
- A passenger who is under four years old must not be in the front row of a motor vehicle that has two or more rows of seats.
- A passenger who is four years old or older, but is less than seven years old, must not be in the front row of a motor vehicle that has two or more rows of seats unless all of the other seats in the row or rows behind the front row are occupied by passengers who are also under seven years old.
- The taxi driver will remain responsible for ensuring children between 7 and 16 years of age wear a seatbelt and are properly restrained.

When a restraint is provided or available the following must be complied with

- If the passenger is six months old or older, but is less than four years old (students with a disability attending early childhood development programs), the passenger must be restrained in a suitable and properly fastened and adjusted:
 - a. Rearward facing approved child restraint
 - b. Forward facing approved child restraint that has an inbuilt harness
- A passenger who is four years or older, but is less than seven years old, the passenger must:
 - a. Be restrained in a suitable and properly fastened and adjusted forward facing approved child restraint that has an inbuilt harness; or
 - b. Be placed on a properly positioned approved booster seat and be restrained by a seatbelt that is properly adjusted and fastened.

Vehicles with less than 13 seats (including driver's seat)

- The Queensland Road Rules defines a bus as a motor vehicle built mainly to carry people that seats over 12 adults (including the driver). Therefore a vehicle with less than 13 seats including the driver's seat is not considered a bus, under Queensland Road Rules, even though the registration certification may describe the vehicle as a bus.
- A vehicle that has seats removed (for example, for the use of wheelchairs) is considered a bus/car depending on the the seats available (not including the wheelchairs).
- The driver of the vehicle will remain responsible for ensuring all children under the age of 16 years old either wear a seatbelt or are properly restrained.
- If the passenger is six months old or older, but is less than four years old (student with a disability attending early childhood development programs), the passenger must be restrained in a suitable and properly fastened and adjusted:

- rearward facing approved child restraint, or
- forward facing approved child restraint that has an inbuilt harness.
- A passenger who is four years old or older, but is less than seven years old, the passenger must:
 - be restrained in a suitable and properly fastened and adjusted forward facing approved child restraint that has an inbuilt harness, or
 - be placed on a properly positioned approved booster seat and be restrained by a seatbelt that is properly adjusted and fastened.
- A passenger who is under four years old must not be in the front row of a motor vehicle that has two or more rows of seats.
- A passenger who is four years old or older, but is less than seven years old, must not be in the front row of a motor vehicle that has two or more rows of seats unless all of the other seats in the row or rows behind the front row are occupied by passengers who are also under seven years old.
- There is no provision in the Queensland Road Rules regarding responsibility for the provision of child restraints.
- The parent/guardian of the child is able to provide their own child restraint however prior arrangements may need to be made with the organisation providing the transport.
- A student who is four years or older, but less than seven years old is required to wear a passenger seatbelt if fitted to a bus. However, they are exempt from the requirement to use an approved child restraint.
- If a bus is fitted with passenger seatbelts, a passenger aged 16 or above may also face a \$300 fine and three demerit points if they do not wear a seatbelt where one is available.
- A bus driver cannot be breached under the Queensland Road Rules for a student not wearing a seatbelt on a bus. However, the driver does have responsibilities under the *Code of Conduct for School Students Travelling on Buses* to encourage the wearing of a seatbelts by students.
- Parents/carers are able to provide their own child restraint and would need to make prior arrangements with the organisation providing the transport.

Vehicles with more than 13 seats (including driver's seat)

- Queensland Road Rules define a bus as a a motor vehicle built mainly to carry people that seats over 12 adults (including the driver).
- Vehicles that have seats removed (for example, for the use of wheelchairs) are considered a bus/car depending on seats available (not including the wheelchairs).
- If the vehicle is fitted with passenger seatbelts all students are required to wear a seatbelt. The *Code of Conduct for School Students Travelling on Buses* outlines the actions that operators and drivers can take if a student repeatedly fails to wear a seatbelt where fitted on a bus.

Vehicles with side-facing seats (Toyota Troop Carrier)

- Children under the age of four cannot travel in side-facing seats. The Queensland Road Rules state that children under the age of four years old must be either forward or rearward facing. Virtually all side facing seats use a lap only seatbelt. Children between the age of four and seven cannot use these seats because the Australian Standards for approved booster seats make it clear that these devices cannot be used with lap belt only.

References

- *Transport Operations (Road Use Management – Road Rules) Regulation 2009* – Part 16 Rules for persons travelling in or on vehicles (Section 266 Wearing of seatbelts by passengers under 16 years old).
- www.translink.com.au/buscode
- www.tmr.qld.gov.au/Safety/Queensland-road-rules