



Frequently Asked Questions

Restraint of Children with Disabilities or Medical Conditions

In Western Australia (WA), the Road Traffic Code 2000 (the Code) requires all children under a certain age to be carried in a restraint that complies with the Australian/New Zealand Standard (AS/NZS) AS/NZS 1754:2013 Child restraint systems for in motor vehicles (AS1754).

One in 12 of WA children and young people are estimated to be affected by some form of disability, including orthopaedic conditions, postural and movement disorders, complex and challenging behaviour, or similar medical conditions that may prevent them from travelling in the restraint systems meeting mandated AS1754 standard.

The alternative AS/NZS 4370:2013 (AS4370) has been developed to offer a range of restraint system solutions that adapt to the individual needs of the occupants with disability, while offering a sufficient level of protection and comfort. Since AS4370 is not referenced in WA legislation, an exemption from the Code is required to allow restraints that comply with AS4370 to be used legally. In 2020 a legal instrument in writing (Exemption Notice) was made under the Code by the Chief Executive Officer (CEO) of the Department of Transport (DoT) to support exempt passengers.

Who will use AS/NZS 4370:2013 and who is an exempt passenger?

AS4370 is aimed at the person responsible for prescribing the appropriate restraint option for the child.

Prescriber

A prescriber means a medical practitioner, occupational therapist, psychologist, physiotherapist, rehabilitation engineer or biomedical engineer.

Exempt passenger

An exempt passenger means a passenger under 16 years of age who has been diagnosed with a medical condition or disability by a medical practitioner.

Note: Passengers 16 years or older with medical needs will be required to make application for an individual exemption with Vehicle, Safety and Standards (VSS) via vsp@transport.wa.gov.au.

Does the Exemption Notice remove the requirement for an individual application?

Yes. The Exemption Notice allows for the use of AS4370 child restraint systems where an authorised prescriber assesses that due to the nature of the disability, or medical condition, an applicant qualifies for an exemption.

Note: The exemption is only valid in WA. A copy of the Exemption Notice, a medical certificate as described within the Exemption Notice and an Advice to Parent form signed by a prescriber, must be carried in the vehicle with the child and presented to an enforcement officer on request.

What must be included in an Advice to Parent form completed and signed by a prescriber?

AS4370 recommends when a non-standard child seat and restraint is in use that the Advice to Parent form, which is completed and signed by a prescriber, include the following information:

- The child, parent(s) and prescriber's details.
- The child's diagnosed condition.
- The type of restraint prescribed.
- Compliant and special purpose child restraint.
 - The commercial name of the restraint, the period of time the restraint is prescribed for (no more than 12 months without review).
- Modified child restraint (modification of a compliant or special purpose child restraint).
 - The reasons why the modification is recommended, a detailed description of the modification – including the commercial name of any accessories (if applicable), if the modification is reversible, the period of time the modification is recommended (no more than 12 months without review).
- Customised restraint or other option.
 - The reasons why a customised restraint or other option is recommended, a detailed description of the customised restraint, the commercial name of any accessories (if applicable), the period of time the customised restraint is recommended (no more than 12 months without review).
- Additional information.
 - Information for installing, using and maintaining the restraint. This may include in accordance with the restraint manufacturer's instructions, referral to an installer, or whether additional documentation is required to legally use the restraint (e.g. medical certificate for an exemption from the relevant road rules. See Clause 1.2 in AS4370).
- Ancillary equipment. Include the following advice on the form:
 - Ancillary equipment can cause injury to occupants in a crash and should be stored and secured safely. Where possible, it is recommended ancillary medical equipment be stored in accordance with AS/NZS 4535.

AS4370 provides that documentation should be kept and maintained for each child. For example, a copy of the Advice to Parent form, referrals and any other instructions or additional advice relating to the prescribed restraint.

The advice to parent form can be found in AS4370 which includes all relevant definitions.

Does the exemption notice expire?

No. The exemption itself does not expire and is in place until the exempt passenger is no longer eligible or reaches 16 years of age. Expiry of eligibility for the exemption is determined based on the applicant maintaining the need for (the child's) non-standard equipment.

The Advice to Parent form and medical certificates have an expiry date and require review.

The Advice to Parent form must be reviewed by a prescriber at least every 12 months as stated on the form to ensure the suitability and ongoing need for the prescribed non-standard restraint.

The validity of a medical certificate varies based on the medical condition but is generally valid for two years unless otherwise stated on the medical certificate.

Note: Contact your prescriber if you require any further information regarding the Advice to Parents form.

How can I access a copy of AS4370?

AS4370 can be purchased online from Standards Australia <https://store.standards.org.au/>

This resource outlines options to consider for a range of situations including children with orthopaedic conditions, children with postural or movement disorders, children with complex and challenging behaviours, and children with medical conditions.

Will my motor vehicle insurance cover AS4370 child restraints in an event of an accident?

Yes, provided the occupant and vehicle licence holder are compliant with the conditions of the exemption from the standard child restraints. The vehicle licence holder is not required to specifically advise the Insurance Commission of WA that the vehicle is fitted, and travelling with, an occupant seated in an alternative AS4370 restraint.

Correspondence and enquiries

For enquiries contact VSS by:

Post: Department of Transport
34 Gillam Drive
KELMSCOTT WA 6111

Phone: 13 11 56

Email: vsp@transport.wa.gov.au