

Tuesday 7 May 2024

## Road rules review must be inclusive of children with disability

The Australian Road Rules must finally become inclusive of the needs of children with disability, or their safety will continue to be put at risk.

An upcoming review of the Australian Child Restraint Road Rules – which are model laws guiding each state and territory’s road rules – is an opportunity for the National Transport Commission to address inequities that have existed for almost 20 years.

[Mobility and Accessibility for Children in Australia Ltd](#) (MACA) Chief Executive, Helen Lindner, said the rules must protect how children with disability travel on our roads, and any review must involve people with disability.

“Some children with disabilities and medical conditions, such as cerebral palsy and autism, are unable to travel in Australian standard child restraints and require specialised products – but their needs have been ignored in mainstream road rules,” she said.

“Unlike children who can travel in ‘off-the-shelf’ child restraints, the safety of children with disability who require specialised products is not protected by the current laws.

“This inequity has led to barriers and unnecessary burden on families of children with disability – with our research showing that parents can wait up to three years to obtain access to specialised transport equipment, such as special purpose car seats.

“This inequity has had a profoundly negative impact on the safety, wellbeing and community participation of children with disability and their families.”

Adelaide parents Amy and Alan Haythorpe were forced to go to desperate lengths to obtain a specialised car seat for their 7-year-old son Liam, who has Autism Spectrum Disorder and would regularly get out of his child restraint and move around the car while they were driving.

Liam was prescribed a special purpose car seat by his occupational therapist and even provided videos and handwritten letters from Liam’s siblings to support their case, but without clear evidence-based laws in place, their funding request was denied by the NDIS.

The Haythorpes ultimately withdrew money from their superannuation to pay for the new specialised car seat – which they say has been a “life saver”.

“Can you imagine driving down the road at 80 kilometres an hour and your son has climbed out and into the boot, but you cannot pull over as there’s no service lanes? It would happen on every trip,” Amy said.

“He’d get out his car seat and just undo the other kids’ seatbelts, or he would slide so far down into his restraint that he would start choking himself. He would undo our baby’s seatbelt. That was intense.

“His new specialised car seat has been a life saver – he likes sitting in it and he doesn’t even try to get out of it. But if we didn’t have the superannuation to pay for it, we wouldn’t have got it – and that shouldn’t be the case for something that could save a child’s life.”

Ms Lindner said an historic lack of research into the transport needs of children with disability is partly to blame for “tokenistic” inclusion to date – but this is no longer an excuse, with MACA leading a major program of research since being established in 2019.



Mobility & Accessibility  
for Children in Australia®

“With this maturing evidence base here in Australia, now is the time to introduce clearly defined laws that are designed to protect the safety of children with disability – the same level of protection that all other children enjoy,” she said.

MACA has identified three key areas of change to the Australian Road Rules that would address this inequity:

- Providing a definition for ‘*a child restraint designed for and is suitable for their use*’ for children with disabilities or medical conditions – just as there is for the Australian standard child restraints used by all other children.
- Consistent road rules for children with disabilities and medical conditions under 16 years.
- Recognising the role of allied health professionals – who are experts responsible for prescribing specialised vehicle restraint systems for children with disability, yet currently don’t have the authority to approve their use.

“The recent Disability Royal Commission clearly outlined how we can more effectively respect, protect and fulfil the human rights of people with disability – and we must take the opportunity to do that through this review of the road rules,” Ms Lindner said.

“Inclusion of children with disabilities in the Australian Child Restraint Road Rules means that states and territories can implement the same laws, with children’s right to access safe and suitable products protected by law.

“We cannot accept any less than genuine inclusivity. The safety of children with disability depends on it.”

ENDS