

Child Seat & Baby Restraint Laws for Buses in New South Wales

What Parents, Schools & Group Organisers Need to Know
Sydney Charter Bus Australia | NSW Accreditation No. 39461 | ABN: 44 134 888 912

One of the most common questions we receive from parents, school administrators and group organisers concerns child restraint and baby seat requirements when travelling on a charter bus, minibus or airport transfer coach. The rules governing buses in New South Wales differ significantly from the rules that apply to private cars, taxis and rideshare vehicles — and understanding those differences is essential for planning safe, compliant group travel with young passengers.

This document provides a consolidated, professionally sourced explanation of current NSW legislation, safety recommendations and licensing requirements. It draws on the *Road Rules 2014* (NSW) — specifically Rules 264, 265, 266 and 267 — and the *Passenger Transport Act 2014* (NSW), both as currently in force. All references to legislation should be verified with the relevant NSW Government authority, as regulations may change.

Primary legislation: *Road Rules 2014* (NSW) — Rules 264, 265, 266 & 267 | *Passenger Transport Act 2014* (NSW) | Heavy Vehicle National Law (HVNL) (NSW)

1. How NSW Law Defines a Bus — and Why It Matters

- 1.1 Under NSW road transport law, a **bus is defined as a motor vehicle with 13 or more seats — including the driver**. This is a critical threshold, because the child restraint laws that apply to passenger cars, taxis and rideshare vehicles do not apply in the same way once a vehicle is legally classified as a bus.
- 1.2 **Rule 266 of the Road Rules 2014 (NSW)** requires the driver of a motor vehicle to ensure that all passengers under 16 years of age are appropriately restrained — *except* where the vehicle is a bus. This bus exemption is explicitly provided in the rule and is consistent with the Australian Road Rules framework. Accordingly, the driver of an accredited NSW bus with 13 or more seats is not legally required to ensure that child passengers are restrained by a child restraint or seatbelt.
- 1.3 **Rule 267 of the Road Rules 2014 (NSW)** — Exemptions from wearing seatbelts — provides that a person occupying a seating position not fitted with a seatbelt, where there is no legal requirement for that position to be fitted with a seatbelt, is exempt from the seatbelt wearing obligation. This exemption applies to buses where seatbelts are not fitted, subject to the conditions in Rule 267(1A).
- 1.4 **Important distinction:** The exemption described above applies only to accredited buses operating under the *Passenger Transport Act 2014* (NSW) with 13 or more seats. Vehicles with 12 seats or fewer — including the driver — fall under Point to Point transport laws, under which **all standard child restraint and seatbelt laws apply in full**. The distinction is based on the legally defined seat count and the vehicle's accreditation status — not on physical appearance.

2. Child Restraint Requirements on NSW Accredited Buses

- 2.1 In NSW, children under 16 years of age are **not legally required to use a booster seat, child restraint or seatbelt in a bus** with 13 or more seats. However, where seatbelts are fitted and available, it is **strongly recommended that all passengers — including children — wear them**. Where seatbelts are fitted, all passengers who can safely wear them should do so.
- 2.2 **All Sydney Charter Bus Australia fleet vehicles are fully seatbelt equipped throughout** — including all minibuses, midi-coaches and full-size coaches. All passengers are encouraged to wear their seatbelt at all times while the vehicle is in motion, regardless of the legal exemption that applies to buses under Rule 266.

- 2.3 **Fixed ISOFIX anchor points are not standard on buses or coaches.** Unlike passenger cars — which are required under Australian Design Rules (ADRs) to have child restraint anchor points — standard buses and coaches are not manufactured with ISOFIX or dedicated child restraint anchor points. These may be installed after-market by the bus company, but this is not a universal or standard feature.
- 2.4 Many families choose to **bring their own portable booster seat or child restraint**, particularly for children aged 1–7 years. This is a sound safety practice that Sydney Charter Bus Australia supports and encourages. Where a portable booster seat is brought aboard, our drivers will assist in securing it safely. Most operators will allow the seat to remain on the bus for the return journey.

3. Critical Safety Rules — These Apply Regardless of the Law

Regardless of the legal exemptions that apply to buses, the following safety rules are **absolute** and must always be observed. The legal exemption does not change the physical forces involved in a road collision.

- ! **Never share a seatbelt with a child.** A seatbelt must only be used for one person at a time. Placing a child on your lap and sharing a seatbelt around both of you creates an extreme risk of crush injury to the child in the event of a collision or sudden braking. Each seating position with a seatbelt must be used by one passenger only.
- ! **Never carry an infant in your arms while the vehicle is in motion.** An unrestrained infant will become a dangerous projectile in any sudden stop or crash. The forces involved in even a low-speed collision far exceed the ability of an adult to hold a child safely. Infants must be seated and restrained to the maximum extent possible.
- ! **Children should always occupy rear seats where possible.** In the event of a frontal or side impact, passengers in rear seats are generally in a lower-risk position. Children — particularly very young children — should always be seated as far from the front of the vehicle as practicable.
- ! **Where seatbelts are fitted, they must be worn.** All Sydney Charter Bus Australia vehicles are fully seatbelt equipped. All passengers — including children — are required to wear their seatbelt whenever the vehicle is in motion. This is a condition of travel under our Onboard Safety Policy.
- ! **Prams must be folded, secured and stowed.** Unlike Type 1 route buses, accredited charter buses (Type 2) cannot use prams as a restraint device. All prams, strollers and wheeled items must be folded, wheel-locked and stowed in a manner that prevents movement during braking or an emergency stop. An unsecured pram is a serious projectile hazard.

4. Age-Based Safety Guidance for Child Passengers

Age Group	Legal Requirement on NSW Accredited Buses	SCBA Safety Recommendation
Under 12 months	No legal obligation to use child restraint on an accredited bus with 13+ seats	Infants must never be carried in arms. Nurse in a rear seat. Contact us for advice on suitable travel arrangements.
12 months – 7 years	No legal obligation to use child restraint on an accredited bus with 13+ seats	Strongly recommended: Bring your own portable booster seat. Occupy rear seats first. Wear all available seatbelts. No sharing of seatbelts.
7 – 15 years	No legal obligation to use restraint on an accredited bus with 13+ seats	Wear the fitted seatbelt on all SCBA vehicles. Rear seating preferred. One passenger per seatbelt at all times.
16 years and over	Must wear a fitted seatbelt where available — Rule 265 Road Rules 2014 (NSW)	Seatbelt must be worn on all SCBA vehicles. One passenger per seating position. One seatbelt per passenger.

All child restraint requirements for private cars under Rule 266 Road Rules 2014 (NSW) — including rear-facing, forward-facing and booster seat requirements by age — do NOT apply to accredited NSW buses with 13+ seats. Parents travelling with very young children are strongly encouraged to seek independent safety advice and to bring their own child restraint where practical.

5. Bus Accreditation — Type 1 vs Type 2 Services

Type 1 — Regular Route Services		Type 2 — Long Distance, Tour & Charter	
Plate type	ST (Sydney Buses) / MO (contracted route)	Plate type	TV number plates
Examples	Sydney Buses, contracted government route services	Categories	Long Distance / Tourist / Charter services
Seatbelt	Not required unless fitted	Seatbelt	Not required unless fitted — same as Type 1
Prams	May remain in pram position (as a restraint)	Prams	Must be folded, secured and stowed — cannot be used as a restraint device

Sydney Charter Bus Australia holds Type 2 accreditation — NSW Accreditation No. 39461. All charter, tour and airport transfer services operate under this category.

6. Vehicle Seating, Driver Licensing & Child Restraint Anchor Points

- 6.1** In NSW, the standard **C Class driver's licence** permits the driver to operate a vehicle with up to 12 seats — including the driver's seat (11 passengers + 1 driver). Any vehicle with 13 seats or more requires at minimum a **Light Rigid (LR) class licence**. All drivers employed by Sydney Charter Bus Australia hold the appropriate licence class for the vehicle they operate.
- 6.2** The most common minibus in service is the **Toyota Hiace Commuter**, which is manufactured as a 14-seat vehicle (13 passengers + 1 driver) and requires an LR licence. If two rear seats are physically removed from this vehicle — not folded or stowed, but permanently removed — the vehicle drops to a 12-seat configuration and may be driven on a standard C Class licence.
- 6.3** **Child restraint anchor points and the 12-seat threshold:** Under NSW vehicle modification regulations, if a vehicle with 13 or more seats is modified to reduce its seating capacity to 12 seats, the vehicle transitions from bus classification to passenger vehicle classification. At this point, **at least three child restraint anchor points are legally required** to be installed, accompanied by an engineer's certificate that must be carried in the vehicle at all times. This is a significant compliance obligation arising from the vehicle's reclassification.
- 6.4** This technical distinction is one of the most important reasons to book with a properly accredited NSW charter bus operator. Operators who have not correctly managed this threshold — or who are operating an unaccredited vehicle — may expose their passengers to compliance and safety risks. Sydney Charter Bus Australia holds NSW Bus Operator Accreditation No. 39461, issued by Transport for NSW.

7. Airport Transfers & Charter Services with Children — Practical Guidance

Families regularly travel with Sydney Charter Bus Australia for the following purposes, among others:

- ✓ Sydney Airport arrivals and departures — including international terminal (T1) and domestic terminals (T2, T3)
- ✓ Cruise terminal transfers — White Bay Cruise Terminal and Overseas Passenger Terminal, Circular Quay
- ✓ School excursions and educational tours across Sydney and NSW

- ✓ Family group travel — Blue Mountains, Hunter Valley, South Coast, Central Coast and regional NSW
- ✓ Corporate and community events involving families with young children

Practical recommendations for families travelling with young children:

- ✓ **Bring your own portable booster seat** for children aged 1–7 years. Most operators, including Sydney Charter Bus Australia, will allow you to store it on the vehicle for the return journey.
- ✓ **Book rear seating** for all children and parents. Children must not occupy front row seats unless restrained in an approved child restraint or seatbelt position — and should always be as far from the front as practicable.
- ✓ **Notify us at the time of booking** if you are travelling with infants or young children. Our team can advise on the most suitable vehicle configuration and assist with any specific requirements.
- ✓ **Always use available seatbelts.** All Sydney Charter Bus Australia vehicles are fully seatbelt equipped. Even where the legal obligation does not apply to bus passengers, the physical safety benefit of seatbelts is real and substantial. Use them.

8. Legislative References

Legislation	Relevance
Road Rules 2014 (NSW) — Rule 266	Driver's obligation re passengers under 16 — and the bus exemption
Road Rules 2014 (NSW) — Rule 267	Exemptions from wearing seatbelts — including unseated positions
Passenger Transport Act 2014 (NSW)	Bus operator accreditation — Type 1 (route) and Type 2 (charter/tour)
AustLII — Road Rules 2014, s.267	Full text of Rule 267 — Exemptions from wearing seatbelts

Disclaimer: The information in this document is a general interpretation of current NSW legislation including the *Road Rules 2014 (NSW)* and the *Passenger Transport Act 2014 (NSW)*, as understood at the date of publication (May 2026). Legislation and regulations may change at any time. Readers should independently verify current requirements with the NSW Government, Transport for NSW, or a qualified legal practitioner before relying on this information for compliance purposes. Sydney Charter Bus Pty Ltd does not provide legal advice.

Travelling with Children? Speak with Our Team First.

We can advise on the right vehicle, seating configuration and specific requirements for your family or group.
NSW Accreditation No. 39461 | Operating since 2003 | 100% Australian owned

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