



Submission: Lifejackets and Safety Lanyards

ISSUE: Lifejackets and lanyards

SUBJECT: Proposed changes—options for wearing lifejackets and cut-off switch safety lanyards

BACKGROUND: Maritime Safety Queensland are considering changes to the rules for wearing lifejackets and cut-off switch safety lanyards in Queensland.

Public consultation closes Friday 23 December 2022.

Submissions can be emailed to consultation@msq.qld.gov.au

SUBMISSION:

The Boating Industry Association Ltd (BIA) is the peak industry body in Australia that represents the interests of boating which includes designers, manufacturers, importers, brokers, insurers, retailers, charters, yacht and boat clubs, marinas, events, surveyors and trades from boat builders to riggers, and more. BIA is an advocate for boaters and the boating lifestyle and supports safe, responsible, and enjoyable boating.

BIA advocates for issues including:

- government fees, charges, services, programs and regulations to be fair and reasonable, and recognise the economic and social benefit that arising from a healthy boating sector; and
- safe, responsible and enjoyable participation in boating and boat ownership.

MSQ options on this subject of consultation are as follows (**text highlighted in blue** represents BIA draft responses):

Wearing lifejackets—**solo operators**

- **Option 1A:** compulsory wearing of lifejackets at all times when people boat alone on open boats or on deck on cabin boats (up to 4.8m in length).
- **Option 1B:** compulsory wearing of lifejackets at all times when people boat alone on open boats or on deck on cabin boats (up to 4.8m in length) while underway. Underway is when the boat is not at anchor, moored, made fast to shore or aground.



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Recommend: 1B with the amendment to be on boats up to 6m while underway. In addition, there should be an awareness campaign to promote voluntary wear in larger vessels when alone.

Rationale: while at anchor, on a mooring or secured to shore the risk level is significantly less than whilst underway and people should have the choice of being comfortable and not wear a lifejacket while in a typically protected location/ situation; eg., a family enjoying lunch whilst secured to the shore, or with an anchor down, or on a mooring. MSQ has not provided appropriate incident data to indicate a change in law is necessary for vessels not underway. Compulsory wear at all times (incl., at anchor, moored or secured to shore) is a bit like making people wear a seatbelt in a parked car. Also, it is important to note that drifting eg when fishing, is 'underway', so drift fishing is covered. The requirement framed around 'when underway' is consistent with the other boating jurisdictions in Australia eg NSW, Vic, SA and Tas.

Wearing lifejackets—**children**

- **Option 2A:** compulsory wearing of lifejackets at all times by children (1 year or more, but less than 12) on all open boats or on deck on cabin boats.
- **Option 2B:** compulsory wearing of lifejackets at all times by children (1 year or more, but less than 12) on all open boats or on deck on cabin boats, while underway. Underway is when the boat is not at anchor, moored, made fast to shore or aground.
- **Option 2C:** compulsory wearing of lifejackets at all times by children (1 year or more, but less than 12) on all open craft, including personal watercraft (commonly called a jet ski), kayaks, surf skis and other watercraft.

Recommend: 2B and 2C with amendment to apply to boats up to 6m when underway. This includes open, half cab and cabin boats, and pwc and paddle craft. In addition, there should be education delivered to raise awareness supporting voluntarily wearing a lifejacket in larger boats when underway.

Rationale: it should be the parent's determination if children (as described) are to wear a lifejacket when anchored, on a mooring, or secured to shore, particularly on a 'cabin boat'. MSQ has, so far, not provided appropriate incident data to indicate a change in law beyond what is recommended.

Wearing lifejackets—**crossing a coastal bar**



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- **Option 3A:** compulsory wearing of lifejackets by all persons (1 year or more) when crossing a designated coastal bar on all open boats.
- **Option 3B:** compulsory wearing of lifejackets by all persons (1 year or more) when crossing a designated coastal bar on all open craft, including personal watercraft, kayaks, surf skis and other watercraft.

Recommend: 3B with the amended to change 'all open craft' to read: 'all vessels up to 6m'

Rationale: crossing bars is an act of Heightened Risk for all small craft as described

Wearing lifejackets—**night**

- **Option 4A:** compulsory wearing of lifejackets by all persons (1 year or more) when boating at night on open boats (up to 4.8m in length).
- **Option 4B:** compulsory wearing of lifejackets by all persons (1 year or more) when boating at night on open boats (up to 4.8m in length), while underway. Underway is when the boat is not at anchor, moored, made fast to shore or aground.

Recommend: 4B with amendment to change 'open boats (up to 4.8m)' to read: 'all boats up to 6m'; and compulsory when alone and underway on all vessels at night

Rationale: Boating in small craft eg up to 4.8m LOA at night whilst underway is a Heightened Risk activity. Being on a boat at night that is at anchor, moored, made fast to shore or aground is significantly less risk and is typically situated in an area protected from adverse conditions.

Wearing cut-off switch safety lanyards—**solo operators**

- **Option 5:** Compulsory wearing of cut-off switch safety lanyards when people boat alone on open boats (up to 4.8m in length), while underway. Underway is when the boat is not at anchor, moored, made fast to shore or aground.

Recommend: Supported but ensure this includes inflatable power craft up 4.8m.

Rationale: vessels up to 4.8m are considered more susceptible to capsize and swamping, than larger vessels.



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Wearing cut-off switch safety lanyards—personal watercraft

- **Option 6:** compulsory wearing of cut-off switch safety lanyards when people operate personal watercraft.
- **Option 7:** introduce an offence for tampering with an engine so that a cut-off switch safety lanyard does not need to be used.
- **Option 8:** introduce an offence for when a cut-off switch safety lanyard is not attached to the master of the personal watercraft.

Recommend: Supported

Rationale: a cut-off switch is a simple, convenient and standard device use for the safety of the vessel and people onboard, and to protect property (other vessels) and or other, innocent people who could be at risk of being run down, injured or killed.

Furthermore, MSQ should:

- i. work with AMSA to require commercial vessels to support lifejacket wear when crossing bars;
- ii. ensure the definition of the term 'underway' clearly includes use of secondary power drives such as dynamic positioning systems and or trolling motors;
- iii. ensure there is an appropriate and plain English definition of vessel 'length' as applied in this regulation to avoid confusion with LOA and waterline length, for eg., BIA would recommend it is stem to stern, which excludes projections such as bowsprits and duckboards;
- iv. ensure there is a funded and sustained education campaign to support the above;
- v. support a Responsible Boat Ownership education campaign to cover purchase, maintenance, safety equipment, storage and safe use of boats; and
- vi. engage with industry to discuss a partnership in safety to promote Responsible Boat Ownership.

Please do not hesitate to contact Mr Neil Patchett, General Manager Government & Public Relations, e. neil@bia.org.au or m. 0418 279 465 on this matter.

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