



Australian Government
Australian Maritime Safety Authority

Discussion paper:

Exploring the safety benefits and feasibility of mandating lifejacket wear requirements for domestic commercial vessels

October 2021



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Part A: Preliminary

Report outline

Title

Exploring the safety benefits and feasibility of mandating lifejacket wear requirements for domestic commercial vessels

Type of report

Consultation paper

Purpose

For public consultation

Submission details

The Australian Maritime Safety Authority (AMSA) will accept submissions until 17 December 2021 online at amsa.gov.au/lifejackets, or by mail to:

Consultation
Australian Maritime Safety Authority
GPO Box 2181
Canberra ACT 2601

You can also call us on
1800 627 484 (within Australia) or
+61 2 6279 5000 (outside Australia)

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Part B: Glossary

| | |
|--|--|
| domestic commercial vessel | A vessel that is for use in connection with commercial, governmental or research activity. |
| lifejacket (also referred to as personal flotation device or PFD) | A garment or device that, when correctly worn and used in water, keeps the wearer buoyant. |
| national law | <i>Marine Safety (Domestic Commercial Vessel) National Law</i> set out in Schedule 1 to the <i>Marine Safety (Domestic Commercial Vessel) National Law Act 2012</i> (Commonwealth) and includes regulations and Marine Orders made under the national law and standards adopted by them. |
| serious incident | A marine incident that includes serious injuries, fire, explosion, collision, grounding, contact, heavy weather damage or critical equipment failure. |
| solo operation | A domestic commercial vessel operation that involves only one person on-board and operating the vessel when underway. |
| tender | A vessel that is <ul style="list-style-type: none"> a) used: <ul style="list-style-type: none"> i) To transfer goods or up to 12 people; or ii) For a purpose associated with its parent vessel's operation b) is not powered by a petrol below deck engine; and c) operates: <ul style="list-style-type: none"> i) In line of sight of its parent vessel's operation or another approved distance approved in writing by the National Regulator ii) In a marina or a mooring area d) Is less than 7.5 metres long or another length approved in writing by the National Regulator; and e) If it has a parent vessel – is no longer than its parent vessel. |
| very serious incident | A marine incident that includes loss of vessel, loss of life (fatalities) due to the operation of the vessel or serious pollution. |

Part C: Executive Summary

Since 1 July 2013, 34 reported domestic commercial vessel incidents resulted in 44 people drowning. A number of coronial findings from these incidents have concluded that the chance of survival would have been much higher had the person been wearing a lifejacket.

Safety data and research strongly support that wearing lifejackets significantly improves the timeframe for survival for persons in the water in almost every situation and, therefore, saves lives.

Analysis of domestic commercial vessel incident data from June 2018 to June 2021 identified 90 incidents where people fell overboard. Ten incidents were fatal (11%) and 48 (53%) were categorised as very serious or serious.¹

In 2020 alone, there were four fatalities, all involving a crew member going overboard. Three crew fatalities occurred on fishing vessels and involved (1) a solo operator, (2) a crew member working over the side and (3) a small tender vessel. The fourth fatality occurred on a charter vessel (class 2) and involved a person being knocked overboard by a sailing boom. In all these incidents none of the people who lost their life were wearing a lifejacket.

Making wearing a lifejacket mandatory has resulted in an increase in the use of lifejackets and an overall reduction in the number of fatalities. Other countries such as the United Kingdom and New Zealand have also mandated lifejacket wear on selected domestic commercial vessels.

Currently, the national law specifies very limited circumstances when a lifejacket must be worn. These circumstances are linked to the construction standards for a vessel and are specified in the National Standards for Commercial Vessels (NSCV) Part G Non-Survey and Part C1 Arrangement, accommodation, and personal safety. These wear requirements apply to non-survey vessels without level flotation and certain vessels not meeting bulwark or rail height requirements. AMSA considers that the risk of a person-overboard event and drowning should be accounted for as part of a vessel's safety management system, however this expectation is not expressly mandated and therefore may not be clear to operators.

The proposal to mandate lifejacket wear requirements for domestic commercial vessels is consistent with the public expectation of AMSA as Australia's national maritime safety regulator and will address a key safety issue, as evidenced through the safety data and research findings. Most Australian states and territories have already mandated the wearing of lifejackets for recreational vessels, although regulations on when a lifejacket must be worn differ between jurisdictions.

AMSA is seeking your feedback on the proposal to mandate lifejacket wear requirements outlined in Part I of this paper. Feedback can be provided until **17 December 2021**.

¹These statistics only include person-overboard incidents that were not deliberate.

Part D: Introduction

The purpose of this discussion paper is to explore the safety benefits and feasibility of introducing mandatory lifejacket wear requirements for domestic commercial vessels that are regulated by the national law.

AMSA is currently exploring practical options to increase lifejacket wear across the domestic commercial vessel industry with the aim to minimise the risk of drowning.

This paper will explore the benefits of wearing a lifejacket and consider potential barriers. The paper also includes proposed measures around mandatory lifejacket wear requirements and seeks feedback on these proposed measures.

This consultation will be of particular interest to domestic commercial vessel owners, operators, and their crew.

The feedback received through this consultation will be considered by AMSA in reaching a preferred policy position on lifejacket wear requirements for the domestic commercial vessel sector. If it is decided that lifejacket wear should be mandated, further stakeholder consultation on the proposed amendments to the national law regulatory framework will likely occur in the first half of 2022.

Part E: Background

I The National System for Domestic Commercial Vessels

The national law provides the framework for the national system. It establishes AMSA as the national regulator, empowers AMSA to regulate domestic commercial vessels in Australia, and creates duties and offences for all owners, masters, crew passengers and other persons whose actions impact on the safety of domestic commercial vessels. One of the main objectives of the national law is 'to facilitate the development of a safety culture that will prevent, or mitigate the effects of, marine incidents'. This objective is in alignment with the proposal to mandate lifejacket wear requirements for persons onboard domestic commercial vessels.

Part 3 of the national law outlines the general safety duties relating to domestic commercial vessels and requires owners and masters of domestic commercial vessels to implement and comply with a safety management system for the vessel and its operations. A safety management system is based on a vessel's risk assessment and establishes policies, procedures, and practices to ensure the safety of the vessel and people onboard. [Marine Order 504 - Certificates of operation and operational requirements - national law 2018](#) (Marine Order 504) sets out the minimum elements of a safety management system including the risk of a person-overboard event and a risk assessment that identifies any potential risks that may expose a person to unacceptable risks such as drowning.

From 1 July 2020 to 30 June 2021, AMSA inspected 2390 domestic commercial vessels and issued 765 improvement notices relating to safety management systems. Evidence from these inspections suggests that many safety management systems do not fully meet the requirements of Marine Order 504 or adequately address a person-overboard event.

I Domestic commercial vessel fleet profile

There are approximately 31,000 domestic commercial vessels in Australia, operating across four service categories. The most common vessel category is non-passenger (Class 2) which comprises 44% of the domestic commercial fleet, followed by fishing (Class 3) with 32.9%. More than half (58.8%) of the active domestic commercial vessel fleet is under 7.5 metres in length. The largest proportion of domestic commercial vessels is located in Queensland (35.3%), followed by New South Wales (26.7%) and then Western Australia (11.2%).²

I AMSA's regulatory approach

AMSA's regulatory approach is set out in AMSA's [Statement of Regulatory Approach](#). AMSA is committed to being a modern regulator that supports its regulated community to the fullest extent possible. AMSA currently takes an educative approach to encouraging lifejacket wear across the domestic commercial vessel industry. However, coronial recommendations, research into survivability rates and an increase in available safety data suggests an alternative approach may be required to address a safety issue in the fleet.

I Comparison of lifejacket wear requirements among recreational and commercial operators in domestic waters

Most Australian states and territories mandate minimum lifejacket wear requirements on certain recreational vessels. Internationally, some countries have already started mandating lifejacket wear on select commercial vessels.

A summary of these regulations can be found in the tables at Appendix 1.

Part F: The Safety Issue

I Domestic commercial vessel data

Since 1 July 2013, 34 domestic commercial vessel incidents have resulted in 44 people drowning. Several coronial findings from these incidents have concluded that the chance of survival would have been higher had the person been wearing a lifejacket.

Analysis of domestic commercial vessel incident data from July 2018 to June 2021 identified 90 incidents where people fell overboard. Ten incidents were fatal (11%) and 48 (53%) were categorised as serious or very serious. See figure 1.

In 2020 alone, there were four fatalities, all involving a crew member going overboard. Three crew fatalities occurred on fishing vessels and involved (1) a solo operator (2) a crew member working over the side and (3) a small tender vessel. The fourth fatality occurred on a charter vessel (class 2) and involved a person being knocked overboard by a sailing boom. In all these incidents none of those who lost their life were wearing a lifejacket.

There were a range of factors leading to these person-overboard incidents with 39 (43%) related to the master's control and navigation of the vessel, 21 (23%) due to the vessel capsizing or sinking, 12 (13%) due to collision or contact, seven (7%) related to moving around the vessel and six (6%) involved weather and water conditions. These statistics highlight the many unpredictable ways people can fall overboard and demonstrate the unexpected and sudden nature of person overboard events.³ See figure 2.

Based on the above statistics, it is evident that fatalities due to drowning and person-overboard

² This data excludes human powered or sail vessels operating that are not uniquely identifiable.

³ These statistics only include person-overboard incidents that were not deliberate.

Figure 1

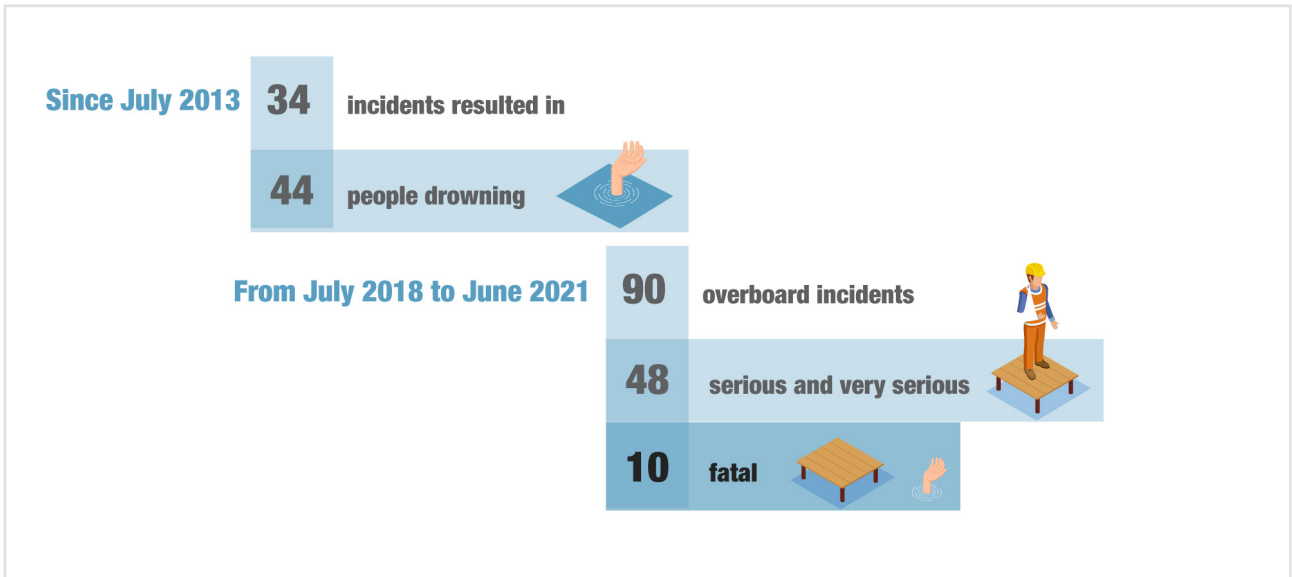
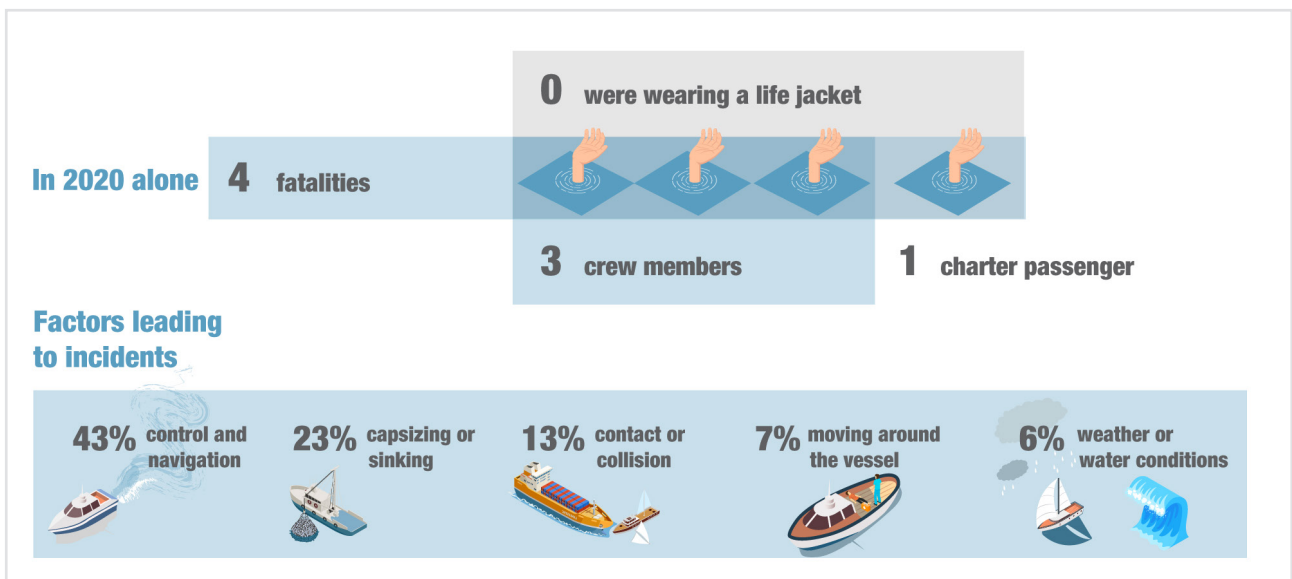


Figure 2



incidents continue to occur. This presents a major safety issue in the domestic commercial vessel industry.⁴

⁴ It is likely that the number of person-overboard incidents are higher but skewed by under-reporting trends in the domestic commercial vessel industry.

I Recreational boating data

According to the [National Drowning Report 2021](#), 294 people drowned in Australian waterways between 1 July 2020 and 30 June 2021. This included 136 people in coastal waters and 75 people in rivers and creeks. Approximately 15% of these were in connection with boating activities and the most highly represented group was males between the ages of 25 to 34 years. The report also revealed a substantial 20% increase in drownings over the past year even though COVID-19 related lockdowns were in place during this period.

[Surf Lifesaving Australia's Coastal Safety Brief on Lifejackets](#) calls attention to the fact that since 2004, there have been 980 deaths (663 due to drowning) associated with boating, personal watercraft, and rock fishing activities. Unfortunately, at least 70% of this number were not wearing lifejackets with 20% unknown whether they were wearing lifejackets.

I Coronial findings and recommendations

Several fatalities both prior to and after the commencement of the national system have involved the person drowning either from falling overboard or the vessel capsizing or sinking.

A number of Coroners have recommended that consideration be given to introducing mandatory lifejacket wear requirements for some commercial vessel operations, particularly in the fishing sector, and otherwise emphasised the importance of wearing a lifejacket. Many of these have occurred during adverse weather conditions, single-handed operation, or high-risk operations such as trawling.

More information on the circumstances of some of these fatalities and the coronial recommendations can be found in Appendix 2.

Part G: Benefits Of Wearing A Lifejacket

I Lifejackets save lives – but only if they are worn

The main reason why people wear lifejackets is to mitigate the risk associated with person-overboard incidents and drowning.

Lifejacket wear has been mandatory for certain recreational vessels in most Australian states and territories for many years and has had positive results in reducing fatalities.

In the early 2000s, Tasmania mandated the use of lifejackets on recreational vessels less than six metres in length whilst operating. Subsequent incident data shows that the number of fatalities has decreased since the intervention from 3.5 to 1.67 fatalities annually. Tasmania has also mandated lifejacket wear on domestic commercial vessels less than six metres in length when operating in Tasmanian waterways.

In 2014, Victoria mandated the use of lifejackets on recreational power-driven vessels less than 4.8 metres in length. Two academic studies have since been conducted to evaluate the effectiveness of the change. These studies show that lifejacket use increased from 22% to 63%. The studies also show that drowning deaths decreased from 59 in a six-year period, to 16 in a five-year period after the intervention.

Lifejackets can also help in managing cold-water shock by providing some thermal protection and allowing the wearer to conserve energy. Cold-water shock can occur when a person is unexpectedly immersed in cold water and it can impact people of all ages, fitness levels and swimming capability.

Surf Lifesaving Australia's National Coastal Safety Report 2021 states that approximately 52% of Australians are unable to swim 50 metres in the ocean. Further, three in ten Australians cannot swim or float in the ocean unaided for more than a few minutes. These statistics reveal the importance of wearing a lifejacket to increase survivability.

“There is no doubt that wearing a lifejacket improves both the prospect of staying alive at all and the likely survival time. This applies in all situations, all weathers, all people...Put another way; the only real prospect of survival in most marine incidents is if the missing person is wearing a lifejacket”

- Survivability Expert, Dr Paul Luckin

The below case studies provide an insight into real-life incidents where wearing a lifejacket was a key factor in the survivability of those involved.

Case Study: FV Silver Spectre (fishing vessel)

On 27 August 2019, when launching a crab pot from his vessel in South Australia, a fisher became entangled with the pot's line and was dragged into the water. The fisher was wearing an inflatable lifejacket, which activated. The lifejacket enabled him to remain near the surface and allowed his fellow crew members to rescue him. He survived the incident. In this example, it is highly likely that the buoyancy of the vest was sufficiently able to counter the drag of the crab pot.

Case Study: Bison (recreational yacht)

On 30 December 2020, Nigel set sail on his recreational sailing yacht Bison on a voyage around Northern Australia. Within days he found himself encountering unexpected severe weather and heavy seas. On 4 January 2021, Nigel fell overboard after a wave hit his vessel and pitched the yacht on its beam ends, flipping him over the side.

In Nigel's recount of the event, he states: 'within seconds I went from a stable footing to looking at the yacht from the wrong side of the stanchions'.

Nigel was able to cut himself loose from his safety line using a small hook knife built into his lifejacket. Making contact with the water, Nigel's lifejacket self-inflated, he pulled on his lifejacket hood and activated the personal locator beacon that was attached.

Nigel's lifejacket kept him above water for eight hours in rough conditions before he was eventually found by an AMSA Search and Rescue aircraft. The brightness of his lifejacket was instrumental in the aircraft being able to pinpoint Nigel in the vast ocean.

Upon rescue, Nigel said: 'words can't really quantify the happiness. They've given me a new lease on life'.

However, Aircraft Mission Coordinator, Ollie Marin believes that it was Nigel's actions that saved his life that day by being appropriately equipped and prepared.

Dr. Paul Luckin is a medical consultant to Search and Rescue Training Australia and is a survivability expert in search and rescue operations. In Paul's experience:

'Boating accidents happen without warning – thinking you can put a lifejacket on when the accident happens is like putting your seatbelt on after an accident. People who survive boating accidents are almost always wearing a lifejacket before they hit the water. Very, very few manage to put one on once in the water.'

I Lifejacket wear can improve safety culture

[Research from the Maritime Coastguard Agency](#) in the UK shows that people will be more likely to wear a lifejacket if other people in their workplace are doing so and this choice is accepted by their peers. This suggests that if you wear a lifejacket, your colleagues are more likely to follow your lead and feel comfortable wearing a lifejacket. It is also an important step in overcoming the stigma associated with wearing a lifejacket. Other [studies in 2018 \(Peden, et al. 2018\)](#) have found that adolescents, children, and indigenous communities were more likely to wear lifejackets if their adult role models also wear lifejackets.

Individuals are becoming more safety conscious and, as a result, society is placing more pressure on individuals to do the 'right thing' when working in hazardous environments. Not only is it seen as important to protect yourself, but also to understand the possible implications of how an incident could negatively impact those around you. Further, vessels are 'workplaces' under the work/occupational health and safety laws and are subject to laws administered by state work health and safety regulators. The key purpose of the work health and safety laws is to secure a safe place of work and eliminate or minimise risk so far as reasonably practicable. This may include the requirement to wear a lifejacket onboard domestic commercial vessels at all times or during heightened risk activities.

Part H: Potential Barriers To Wearing A Lifejacket

I Perceptions that lifejackets pose additional risk

Depending on the type of operation, wearing a lifejacket can sometimes be perceived as an additional risk. In the lifejacket trial conducted by AMSA, many fishers felt that wearing a lifejacket added increased risk due to the possibility of lifejackets becoming hooked up with other equipment on the vessel such as nets.

Another key concern amongst participants was the possibility of accidental inflation of the lifejackets. The potential of this occurring in an enclosed space or under a vessel during a rollover situation could be life-threatening due to the chance of becoming trapped and drowning. For this reason, wearing an inflatable lifejacket in an enclosed space is not advised.

As stated above, with the wide selection of lifejackets now on the market, individuals should be able to choose a lifejacket that is suitable for their operation type with some designs reducing the risk of hook ups.

I Comfort and ease of movement

AMSA has conducted several trials on lifejacket use to obtain feedback from commercial operators and encourage uptake. From the feedback received, the most commonly cited barrier to consistent lifejacket use was discomfort and restrictive movement.

Several seafarers also stated that lifejacket wear was not suitable in warmer conditions due to the fabric absorbing the heat and the extra layer of material.

However, it was apparent from lifejacket trial feedback that many domestic commercial operators were not aware of advancements made in lifejacket design and the many different options now available on the market. AMSA considers the wide selection of lifejackets now on the market that meet the technical specifications required in the National Standard for Commercial Vessels significantly reduces this barrier.

All domestic commercial vessels must already carry a lifejacket for each person onboard, and these could be used to meet the wear requirements set out in the options below. However, some operators may choose to replace existing jackets with modern, more comfortable jackets, depending on the nature of their operations. They may also decide to keep the existing lifejackets stowed away, as spares etc.

Part I: Proposed Approaches To Improve Safety

AMSA is seeking to increase lifejacket wear across the domestic commercial vessel fleet and is considering whether to mandate lifejacket wear requirements.

AMSA has developed a number of proposed approaches to increase lifejacket wear that we are seeking feedback on.

Proposal 1: Mandate lifejacket wear requirements on all domestic commercial vessels, when on deck

Description

Mandate lifejacket wear requirements on all domestic commercial vessels, at all times, when on deck

Considerations

Likely to result in an increase in lifejacket use.

Likely reduce fatalities associated with drowning and person overboard incidents.

A universal rule for all operators which reduces confusion around wear requirements.

It may not be suitable to wear lifejackets for all operation types.

Proposal 2: Mandate lifejacket wear on specified domestic commercial vessels

| Description | Considerations |
|---|--|
| <p>■ Operation 1: Mandate lifejacket wear requirements for domestic commercial vessels less than 7.5 metres in length</p> | <p>Likely to result in an increase in lifejacket use.</p> <p>Smaller vessels under 7.5 metres in length are more prone to instability due to relative size to sea state.</p> |
| <p>■ Operation 2: Mandate lifejacket wear requirements for solo/single-handed operations</p> | <p>Solo operators are considered a risk as they generally work on smaller vessels which are more vulnerable to person-overboard incidents, capsizing and sinking.</p> <p>Any chance of rescue is significantly delayed as no-one is likely to witness the person-overboard incident occurring and provide assistance or attempt a rescue.</p> |
| <p>■ Operation 3: Mandate lifejacket wear for fishing vessels of any length, when on deck</p> | <p>Operations where crew are required to perform duties on an open deck or work over the side of a vessel are considered to be more at risk of experiencing a person-overboard event. Examples include deploying lobster pots or nets.</p> <p>66% of person-overboard fatalities between June 2013 – June 2021 involved fishing vessels.</p> |
| <p>■ Operation 4: Mandate lifejacket wear for unpowered barges that do not have rails or means to prevent a person falling overboard</p> | <p>Operations where crew are required to perform their duties on an open deck or work over the side of a vessel are considered to be more at risk of experiencing a person-overboard event.</p> |
| <p>Plus, mandate all domestic commercial vessels having a documented risk assessment and procedure on lifejacket wear in their safety management system.</p> | <p>Requiring all vessel owners to include a risk assessment and written procedure on lifejacket wear in their safety management system will ensure that all vessels have completed the necessary preparation for a person-overboard event.</p> <p>Heightened risk factors must be taken into account, such as crew working over the side of the vessel, reduced visibility and severe weather or heavy seas.</p> |

Proposal 3: Continue with lifejacket carriage requirements and do not introduce mandatory lifejacket wear requirements, however, mandate the requirement for a risk assessment and written procedure addressing lifejacket wear in their safety management system

Description

Mandate all domestic commercial vessels having a documented risk assessment and procedure addressing lifejacket wear in their safety management system.

Considerations

Requiring all vessel owners to include a risk assessment and written procedure on lifejacket wear in their safety management system as a minimum requirement will ensure that all vessels have completed the necessary preparation for a person-overboard event.

Lifejacket wear unlikely to increase

Fatalities due to drowning likely to continue to occur.

Part J: Next Steps

This paper invites your responses to a number of guiding questions. You do not need to answer all the questions and you are also welcome to provide general feedback.

Make an online submission: amsa.gov.au/lifejackets

Email us: consultation@amsa.gov.au

Call us: **1800 627 484** (within Australia) or **+61 2 6279 5000** (outside Australia)

Mail: AMSA Consultation, GPO Box 2181, Canberra ACT, 2601

For any general enquiries about the consultation, please don't hesitate to contact AMSA Connect on **1800 627 484** or **+61 2 6279 5000** (outside Australia).

You can provide feedback up until **17 December 2021**.

Guiding questions for consideration

1. Do you support the introduction of mandatory lifejacket wear requirements?

Yes

No

Why or why not?

2. Should mandatory lifejacket wear requirements be introduced for all domestic commercial vessels, some, or none

All

Some

None

Why or why not?

3. Do you currently wear a lifejacket while operating?

Yes

No

When and why?

4. Should mandatory lifejacket wear requirements be introduced for select domestic commercial vessels as specified in proposal 2?

a) Do you agree with all four suggestions under proposal 2?

Yes

No

Why or why not?

b) Do you agree or disagree with Operation 1?

Agree

Disagree

Why?

c) Do you agree or disagree with Operation 2?

Agree

Disagree

Why?

d) Do you agree or disagree with Operation 3?

Agree

Disagree

Why?

e) Do you agree or disagree with Operation 4?

Agree

Disagree

Why?

5. Do you agree with the identified challenges/barriers to wearing a lifejacket?

Yes

No

Why or why not?

6. Do you agree that wearing a lifejacket saves lives?

Yes

No

Why or why not?

7. What would encourage you to wear a lifejacket?

8. Are there any other comments or feedback you wish to provide AMSA with on this matter?

I How we use your feedback

AMSA strives to develop safety regulations that are effective, relevant and practical to implement. For this reason, your feedback is vital to the process of regulatory development. We will use your feedback to help develop a suitable policy position around mandating lifejacket wear requirements for domestic commercial vessels.

Once we have analysed your feedback and established our policy position, we plan to consult with industry again in the first half of 2022 on the potential regulatory changes.

We will continue to provide updates throughout the consultation process via our AMSA website, social media channels and through [AMSA updates and newsletters](#).

Appendix 1

Table 1: Australian state and territory recreational boating laws

| State/territory | Circumstances where lifejackets must be worn |
|---|--|
| New South Wales / Australian Capital Territory | <p>Lifejacket wear is required at all times on vessels less than 4.8 metres operating in open waters and on enclosed waters at night or when alone.</p> <p>Lifejackets must be worn at all times on personal watercraft and by everyone on all vessels crossing coastal bars.</p> <p>Children aged under 12 must wear a lifejacket on all vessels up to 4.8m in length at all times, and in open areas of all vessels up to 8 metres long when the vessel is underway.</p> <p>The level of lifejacket varies depending on the vessel and the activity.</p> <p><i>*NSW is considering changing their existing requirements to mandate lifejacket wear on recreational vessels less than 6 metres when underway. They have recently commenced public consultation.</i></p> |
| Northern Territory | <p>Persons on board sailing boats under 5 metres or with permanently closed hulls and personal watercraft, must at all times wear an approved personal flotation device that is suitable for the activity.</p> <p>Persons being towed behind a pleasure craft must wear a personal flotation device that is suitable for the activity.</p> <p>Mandatory carriage only for all other vessels.</p> |
| Queensland | <p>Lifejacket wear is compulsory when crossing a coastal bar in a vessel less than 4.8 metres in length or less than 12 metres in an open powerboat.</p> <p>If you are under 12 years old in an open boat that is less than 4.8 metres in length and underway.</p> |
| South Australia | <p>Lifejacket wear is required at all times for vessels less than 4.8 metres in length and for vessels between 4.8 metres and 12 metres during times of heightened risk.</p> <p>Heightened risk situations include sole operators, operating during reduced visibility, operating during severe weather or attempting to cross a coastal bar.</p> <p>These requirements also apply to domestic commercial vessels operating in South Australian waterways.</p> |

| | |
|--------------------------|---|
| Tasmania | <p>Lifejacket wear is required at all times on recreational vessels less than 6 metres in length when operating.</p> <p>It is also compulsory for children under the age of 12 years to wear a lifejacket in a recreational vessel of any length while under power.</p> <p>Tasmania has also mandated lifejacket wear on domestic commercial vessels less than 6 metres in length when operating in Tasmanian waterways.</p> |
| Victoria | <p>Lifejacket wear is required at all times on vessels less than 4.8 metres or on vessels between 4.8 metres and 12 metres at times of heightened risk.</p> <p>Heightened risk situations include sole operators, operating during restricted visibility, operating during severe weather or attempting to cross a coastal bar.</p> |
| Western Australia | <p>Lifejacket wear is required at all times for:</p> <ul style="list-style-type: none"> - personal watercraft and for slalom skiers in all waters - motorboats, sailboats and dinghies operating in unprotected waters within 400 metres of shore or in unprotected waters beyond 400 metres of shore - sailboards and paddle craft when operating in unprotected waters beyond 400 metres of shore. <p>Level of lifejackets required varies depending on vessel and area of operation.</p> <p><i>*Western Australia recently announced plans to expand lifejacket wear requirements in their waterways.</i></p> |

Table 2: Commercial and recreational regulations in other countries

| Country | Lifejacket mandated? | Circumstances where lifejackets must be worn |
|---------------|--|---|
| Canada | Mandatory lifejacket wear requirements for some domestic commercial vessels. | <p>Canada has in a place a legal requirement for commercial fishing vessels that are less than 12 metres in length with no deck or deck structure for a lifejacket to be worn by everyone on-board. If the vessel has a deck or deck structure, the lifejacket must be worn by those on deck.</p> <p>Canada mandates lifejacket carriage requirements for recreational vessels.</p> |

| | | |
|------------------------------|---|---|
| <p>New Zealand</p> | <p>Mandatory lifejacket wear requirements on some selected domestic commercial and recreational vessels.</p> | <p>New Zealand mandates the wearing of lifejackets on-board selected domestic commercial vessels, including</p> <ul style="list-style-type: none"> - all persons on board commercial rafts and jet boats - open boats capable of 30 knots or more operating within inshore limits - barges underway carrying persons, unless a life ring is provided - fishing vessels operating within inshore limits (if level 50 lifejackets are provided, they must be worn throughout the voyage). <p>New Zealand has legal requirements in place for the carriage of lifejackets on recreational vessels and in some regions, it is mandatory to wear lifejackets onboard.</p> |
| <p>United Kingdom</p> | <p>Mandatory lifejacket wear requirements on some selected domestic commercial and recreational vessels.</p> | <p>The United Kingdom mandates the wearing of lifejackets in limited circumstances under the Code of Practice for Intended Pleasure Vessels in Temporary Commercial Use at Sea. This includes vessels less than 24 metres on a single voyage for business purposes relating to sale, repair, sea trials or vessel delivery. Lifejackets must be worn when on deck.</p> <p>In other domestic shipping, operators perform a risk assessment to determine the need for a lifejacket. For example, high speed open deck rigid inflatable boats usually require all on board to wear a lifejacket.</p> <p>Commercial fishermen working on open decks where there is a risk of falling overboard must wear lifejackets (if the risk cannot otherwise be mitigated).</p> |
| <p>United States</p> | <p>Mandatory lifejacket wear requirements for some recreational vessels and for children on-board all recreational vessels.</p> | <p>Lifejacket wear laws differ between states in the United States. The majority of states mandate lifejacket wear for children however the age bracket varies between states. In some states, there are also mandatory lifejacket wear requirements for personal watercrafts, persons being towed by a vessel such as water skiers and human-powered vessels such as canoes or kayaks.</p> |

Appendix 2

Coronial recommendations after the commencement of the national law

CORONIAL INQUEST: Fatality – FV YIMBALA

Vessel details: 'FV Yimbala' (14.33-metre fishing vessel)

Date of incident: 5 July 2020

Date of findings: 4 August 2021

Number of lives lost: One

Incident details: Mr. Kevin Haigh fell overboard when setting rock lobster pots. Mr. Haigh was a solo operator and was later discovered unconscious in the water by another vessel in the area. Mr. Haigh was not wearing a lifejacket.

Coroner's recommendations relating to lifejackets:

The circumstances of Mr. Haigh's death require me to recommend, pursuant to Section 28 of the Coroners Act 1995, that all domestic commercial vessel operators, operating 'single-handed' wear an appropriate PFD and carry an appropriate PLB on their person at all times when outside the wheelhouse or superstructure of the vessel. I recommend that the appropriate regulatory authorities give consideration to making such a requirement mandatory.

CORONIAL INQUEST: Fatality – Tender to the BREAKSEA

Vessel details: Tender to the 'Breaksea' – (4.6-metre vessel used for abalone diving)

Date of incident: 14 April 2015

Date of findings: 10 May 2019

Number of lives lost: One

Incident details: Mr. Allan Russell was assisting in abalone diving operations and was found to be struggling in the water when the diver surfaced. The diver attempted to administer assistance but was not able to get Mr. Russell back into the tender. The diver could not keep Mr. Russell afloat over an extended period and he subsequently drowned as he was not wearing a lifejacket.

Coroner's recommendations relating to lifejackets:

The Tasmanian Abalone Council Ltd and WorkSafe Tasmania review the Tasmanian Abalone Industry Code of Practice and consider amendments in line with the system developed by the Abalone Industry Committee of Victoria that address the engagement and qualifications of deckhands, the wearing of lifejackets and the condition of vessels off which diving occurs (i.e. tender vessels such as the dinghy).

I comment that it is critical for all persons spending time on the water to wear a correctly fitted and serviced lifejacket at all times.

CORONIAL INQUEST: Fatality – MV RETURNER

Vessel details: *'MV Returner'* - (13-metre fishing vessel)

Date of incident: 11 July 2015

Date of findings: 28 February 2018

Number of lives lost: Three

Incident details: The *MV Returner* capsized due to the lack of stability of the vessel in combination with the severe weather. Two crew Mr. Chad Fairley and Mr. Mason Carter were not found on the vessel when it was recovered. None of the deceased were wearing lifejackets at the time of the incident.

Coroner's recommendations relating to lifejackets:

I recommend that AMSA, as the National Regulator of the National Law, working in conjunction with Worksafe in Western Australia, should promote and encourage the wearing of lifejackets while working on commercial fishing vessels, noting that commercial fishing vessels are workplaces and there is a need to improve the safety culture on these vessels.

JOINT CORONIAL INQUEST: Fatality – FV CASSANDRA and FV DIANNE

Vessel details: *'FV Cassandra'* - (17-metre prawn trawler) *'FV Dianne'* - (18 metre fishing vessel)

Date of incident: 4 April 2016 (*FV Cassandra*) and 16 October 2017 (*FV Dianne*)

Date of findings: 29 August 2019

Number of lives lost: Eight (two from the *FV Cassandra* and six from the *FV Dianne*)

Incident details: The *FV Dianne* sunk when it was overcome by heavy seas and the *FV Cassandra* was found to have capsized whilst trying to retrieve a 'snagged' trawl net as a result of a 'hook up'.

Coroner's recommendations relating to lifejackets:

That fisherman be encouraged to wear an inflatable style PFD vest whilst working on the decks of a vessel or whilst at the helm and that those PFD's have a PLB.

Coronial recommendations before the commencement of the national law

CORONIAL INQUEST: Fatality – PV ALERT

Vessel details: 'PV Alert' – (11.3-metre pilot vessel)

Date of incident: 27 October 2004

Date of findings: 23 May 2008

Number of lives lost: One

Incident details: Mr. Phillemon Mosby fell overboard when making his way along the port side deck. He was attempting to transfer luggage onto the vessel via a heaving line. Mr. Mosby was lost at sea and the likely cause of death was drowning. Mr. Mosby was not wearing a lifejacket.

Coronial comments relating to lifejackets:

It was commented that it was unlikely that Mr. Mosby was wearing a lifejacket when he fell. There was a requirement to wear a lifejacket outside the wheelhouse, however this policy was not enforced.

CORONIAL INQUEST: Fatality – FV SHANENDALE

Vessel details: 'FV Shanendale' – (13.82-metre fishing vessel)

Date of incident: 1 March 2006

Date of findings: 24 December 2008

Number of lives lost: One

Incident details: Mr. Peter Trcka fell overboard and was lost at sea. It is presumed that Mr. Trcka drowned. Mr. Trcka was not wearing a lifejacket.

Coronial recommendations relating to lifejackets:

I recommend that MSQ investigate to identify the most appropriate type of PFD and EPIRB for seaman on commercial fishing vessels and then mandate by regulation that commercial fisherman wear PFDs and carry EPIRBS when on deck at sea.

CORONIAL INQUEST: Fatality – FV LAURYN G

Vessel details: 'FV Lauryn G' – (16.76-metre fishing vessel)

Date of incident: 22 April 2006

Date of findings: 6 June 2008

Number of lives lost: One

Incident details: The vessel capsized which resulted in a person-overboard event and subsequent drowning of a crew member Mr. Ross Irwin. It should be noted that the crew on 'FV Lauryn G' did not regularly use safety equipment provided by the owners.

Coronial recommendations relating to lifejackets:

I recommend that compliance with the National Standard for Commercial Vessels be made mandatory for all commercial fishing vessels to which it relates forthwith and that in particular, the elements concerning crew competencies and safety equipment be made operative immediately.

