

Marine Information Bulletin

Lifejacket Laws



Background

As part of the Queensland Government's commitment to improve marine safety and reduce the loss of lives in marine incidents, mariners and their passengers will be required to wear lifejackets when involved in certain heightened- risk boating activities from 1 December 2024. These activities include crossing coastal bars, boating alone, at night or with children. The amendments that enable these additional requirements are primarily focussed on section 24 of the *Transport Operations (Marine Safety) Regulation 2016* (TOMSR).

New rules also apply to craft including small sailboats, pedal boats, rafts (including inflatables), rowboats and sea/surf kayaks and craft of a similar style and risk profile. This is enabled through a gazette notice (*refer page 614*) published by the General Manager pursuant to section 197 of TOMSR. The notice states that a person crossing a coastal bar in any of the defined craft is an activity that endangers marine safety unless the person is wearing a lifejacket.

New Rules

From 1 December 2024, it will be compulsory to wear a lifejacket:

- When boating alone or accompanied only by children under 12 years in an open boat less than 4.8 metres long and underway.

- When crossing a designated coastal bar in an open boat, as well as in an open area of a boat of any length, and on certain 'craft.'
- While boating at night in an open boat less than 4.8 metres long and underway.
- children aged over one year and under 12 years must wear a lifejacket when on an open boat, or in the open area of a boat of any length, while it's underway.

Open Boat and Open Area of a Boat

- An open boat does not have a permanent, rigid deckhouse or cabin, or another enclosed space for people with only one way in or out.
- If the boat is not an open boat, then the open area is any area of the boat outside the deckhouse, cabin or enclosed space.
- The legal definition is in **section 24(6) of the Transport Operations (Marine Safety) Regulation 2016**.

Specific craft requirements as of 1 December 2024 (gazette notice)

You must wear a lifejacket when crossing a designated coastal bar in the following types of craft:

- small sail boats (lasers, herons)
- pedal boats

- rafts (including inflatable rafts)
- rowboats (excluding those operated by Surf Life Saving Australia Clubs)
- sea and surf kayaks.

Note: this requirement does not apply to users of:

- body or boogie boards
- surf boards
- wind surfers
- kite surfers
- stand-up paddle boards.

The lifejacket rules for riding a jet ski (personal watercraft) remain the same.

Questions and answers

Why is the law changing?

The law is changing in the interest of public safety, to ensure boaties, their passengers and loved ones get home safely. Data shows that the people at highest risk of drowning at sea include children and those boating alone or at night, or when crossing coastal bars. The changes also bring Queensland into line with the safety standards of other states.

What consultation was undertaken before making these changes?

MSQ undertook extensive industry and public consultation in 2022. The general boating public were engaged via a Queensland Government ‘Get Involved’ survey and industry stakeholders were invited to face-to-face forums to discuss the law change.

The feedback has directly informed MSQ’s amendments to lifejacket laws including mandatory wearing of lifejackets.

Why 4.8m?

Consistency among jurisdictions is helpful for the many visitors to Queensland and for those moving here from interstate. 4.8m is consistent with rules for similar high-risk situations in New South Wales, Victoria, and South Australia. Tasmania has similar requirements applying to

boats under 6m. WA has lifejacket wearing requirements for boats under 4.8m when operating more than 400m from shore in protected waters.

Are the new rules just for ‘boats’?

No, lifejackets are important safety equipment on any water vessel. These amendments will also affect people crossing a coastal bar when using certain craft, which includes small sail boats (funboats, lasers, herons), pedal boats, rafts, including inflatable rafts, rowboats (excluding Club Surfboats by Surf Life Saving Australia), and sea and surf kayaks.

Is it now compulsory for me to always wear a lifejacket?

No, just for the specific activities of heightened risk stated in the new rules with the emphasis on the boat being “underway,” for when boating alone or only with young children and boating at night. If you are anchored up, the rules do not apply and you’re free to move about the boat without a lifejacket.

Is it compulsory for children to wear a lifejacket?

Yes, from 1 December 2024, children (over 12 months of age and under 12) will need to wear a lifejacket when on an open boat or an open area of a boat of any length while the boat is underway. Previously it was compulsory for children to wear a lifejacket when in an open boat that is less than 4.8m in length while the boat is underway.

What about for children less than 12 months of age?

In Queensland, lifejacket laws for ships only apply to children who are at least 12 months old. For safety reasons, MSQ doesn’t recommend children under this age travel on ships unless necessary.

If you need to travel with your infant on a ship, we advise that they be held securely by one of the parents or another adult.

If there is a suitable lifejacket available for them, we also recommend they wear it. Information on **approved lifejacket standards** is available on our website www.msq.qld.gov.au.

Are spot-locked or GPS locked boats considered “underway?”

Yes, a boat is underway any time when it is not anchored, moored or made fast to the shore. While a spot-lock system will keep the boat in one place most of the time, the GPS signal may be lost or battery may die, and boat may drift away.

What type of lifejackets should I carry?

There are different types of lifejackets for different types of waters and activities. From 1 September 2025, you must carry a lifejacket made to the current Australian Standard AS 4758. You can find more information about the types of lifejacket by visiting the MSQ website www.msq.qld.gov.au.

What other safety equipment do I need to carry?

This depends on the size of your ship, whether the ship needs to be registered and where you are operating it. You can find more information on our website about safety equipment for ships in Queensland at this link.

What is a designated coastal bar?

A designated coastal bar is a bar that forms at the entrance to rivers and inshore waterways because of sand drifting along the coasts. They are detailed in the Transport Operations (Marine Safety) Regulation 2016 in Schedule 1. You can find more information on coastal bars here.

Will I be fined if I do not comply with the new lifejacket laws?

To ensure everyone is sufficiently informed, MSQ will prioritise public education. Enforcement will be delayed until 1 July 2025 to ensure everyone understands the importance of the new lifejacket laws. Education and support will be provided through our Marine Officers, Maritime Enforcement Team, and online communication channels. In due course, people who choose not to wear their lifejacket as required will receive a fine.

Do the new rules apply to tenders?

A tender that is currently exempt from being equipped with a lifejacket is also exempt from the new laws. To work out if a tender is exempt, refer to the Marine Information Bulletin on Safety Equipment and Registration requirements for tenders to Queensland Regulated Ships.

Are powered surfboards included in the definition of ‘craft?’

No, powered surfboards currently have a similar risk profile to surfboards, so lifejackets are not required. However, this will be kept under review as the technology and its use evolves.

Further information

For further information contact your local Maritime Safety Queensland office:

Airlie Beach	4841 4500
Bundaberg	4132 6600
Cairns	4052 7400
Gladstone	4971 5200
Hervey Bay	4194 9600
Mackay	4944 3700
Mooloolaba	5452 1825
Brisbane	3632 7500
Gold Coast	5585 1810
Townsville	4421 8100

Other Marine Information Bulletins about the safe operation of boats are on Maritime Safety Queensland’s website: www.msq.qld.gov.au