

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

2ND SESSION, 42ND LEGISLATURE, ONTARIO
70 ELIZABETH II, 2021

Bill 76

An Act to enact the Lifejackets for Life Act, 2021

Mr. N. Miller

Private Member's Bill

1st Reading December 8, 2021

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill enacts the *Lifejackets for Life Act, 2021*, which requires parents and guardians to ensure that their children who are 12 years of age or younger wear a personal flotation device or lifejacket while on a pleasure boat that is underway or while being towed behind a pleasure boat using recreational water equipment. If the child is not under the supervision of the parent or guardian but is under the supervision of a person who is 18 years of age or older at the relevant time, the requirement applies instead to that person. The requirement does not apply if the child is in an enclosed cabin. Definitions of “pleasure boat” and “recreational water equipment” are provided.

It is an offence to not comply with the requirement and on conviction a person is liable to a fine of not more than \$200.

An Act to enact the Lifejackets for Life Act, 2021

Preamble

Ontario recognizes the important role that parents, guardians and other persons play in protecting the physical safety of children while on provincial waters.

Ontario believes that requiring parents, guardians and other persons to ensure that children under their supervision wear a personal flotation device or lifejacket while on a pleasure boat that is underway or while being towed behind the boat while using recreational water equipment will protect the welfare of those children, increase awareness of water safety and reduce the number of drownings.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1 (1) In this section,

“child” means a person 12 years of age or younger; (“enfant”)

“enclosed cabin” means a space on board a pleasure boat that is surrounded by bulkheads and covered by a roof; (“cabine fermée”)

“pleasure boat” means any ship or boat or any other description of a vessel used or designed to be used in the navigation of water, propelled by any kind of power including human power, sail or motorized power, that,

- (a) is used exclusively for pleasure and does not carry passengers on it for remuneration or any object of profit, and
- (b) is nine metres in length or shorter, measured from the forward end of the foremost outside surface of the hull shell to the aft end of the aftermost outside surface of the hull shell; (“bateau de plaisance”)

“recreational water equipment” means equipment used in water for recreational purposes, such as water skis, wakeboards and water tubes. (“matériel nautique récréatif”)

Duty of parent or guardian

(2) Subject to subsections (3) and (5), a parent or guardian of a child shall ensure that the child is wearing a personal flotation device or lifejacket that complies with the *Small Vessel Regulations* (Canada) while on a pleasure boat that is underway or while being towed behind a pleasure boat while using recreational water equipment.

Exception, duty of other person

(3) If a child is not under the supervision of the child’s parent or guardian but is under the supervision of a person who is 18 years of age or older, subsection (2) does not apply and instead that person shall ensure that the child is wearing a personal flotation device or lifejacket that complies with the *Small Vessel Regulations* (Canada) while on a pleasure boat that is underway or while being towed behind a pleasure boat using recreational water equipment.

When duty applies

(4) The duties imposed under subsections (2) and (3) apply regardless of whether the parent or guardian or the person described in subsection (3), as the case may be, is also on the pleasure boat at the time when the child is on the pleasure boat or is being towed behind the pleasure boat using recreational water equipment.

Exception, child in enclosed cabin

(5) A parent or guardian or a person described in subsection (3), as the case may be, is not required to ensure that a child is wearing a personal flotation device or lifejacket that complies with the *Small Vessel Regulations* (Canada) if the child is in an enclosed cabin.

Offence

(6) A person who contravenes subsection (2) or (3) is guilty of an offence and on conviction is liable to a fine of not more than \$200.

Regulations

(7) The Lieutenant Governor in Council may make regulations prescribing types of pleasure boats or recreational water equipment to which subsections (2) and (3) do not apply.

Commencement

2 This Act comes into force on the day it receives Royal Assent.

Short title

3 The short title of this Act is the *Lifejackets for Life Act, 2021*.