

Submission to Transport and Infrastructure Committee on the Life Jackets for Children and Young Persons Bill

Introducing Mana Mokopuna – Children's Commissioner

Mana Mokopuna – Children's Commissioner (Mana Mokopuna) is the independent Crown entity with the statutory responsibility to advocate for the rights, interests, participation and well-being of mokopuna¹ (all children and young people) under 18 years old in Aotearoa New Zealand, including young persons aged over 18 but under 25 years of age if they are, or have been, in care or custody. The Children's Commissioner is Dr Claire Achmad.

We independently advocate for and with mokopuna within the context of their families, whānau, hapū, iwi and communities, based on evidence, data and research, including the perspectives of mokopuna.

Our work is grounded in the United Nations Convention on the Rights of the Child (the Children's Convention), Te Tiriti o Waitangi and other international human rights instruments. We are a National Preventative Mechanism under the Optional Protocol to the Convention Against Torture, meaning we monitor places where mokopuna are deprived of their liberty, including in the care and protection, youth justice, youth mental health and intellectual disability spaces.

We have a statutory mandate to promote the Children's Convention and monitor the Government's implementation of its duties under the Convention, and to work in ways that uphold the rights of mokopuna Māori including under Te Tiriti o Waitangi. We place a focus on advocating for and with mokopuna who are experiencing disadvantage, and we recognise and celebrate the diversity of mokopuna in all its forms.

Our moemoeā (vision) is *Kia kuru pounamu te rongo* – All mokopuna live their best lives, which we see as a collective vision and challenge for Aotearoa New Zealand.

When it comes to the rights of mokopuna, our advocacy for their rights is a focus across our four strategic advocacy areas:

- A strong start in life (first 2000 days)
- Growing up safe and well (free of all forms of child maltreatment in all circumstances; thriving mental health and wellbeing)
- Thriving families and whānau (living free of poverty, with resources needed to support mokopuna to thrive)
- Participating in what matters to me (mokopuna have told us, for example, about the importance of participating in their education, culture and identity, sport and recreation, and caring for the natural environment).

¹ At Mana Mokopuna we have adopted the term 'mokopuna' to describe all children and young people in Aotearoa New Zealand. 'Mokopuna' brings together 'moko' (imprint or tattoo) and 'puna' (spring of water). Mokopuna describes that we are descendants, and or grandchildren, and how we need to think across generations for a better present and future. We acknowledge the special status held by mokopuna in their families, whānau, hapū and iwi and reflect that in all we do. Referring to children and young people we advocate for as mokopuna draws them closer to us and reminds us that who they are, and where they come from, matters for their identity, belonging and well-being at every stage of their lives.



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Summary & Recommendations

1. We commend the intention of the Life Jackets for Child and Young Persons Bill (the Bill) to better protect children under 15 years of age by requiring they wear life jackets when they are on board recreational craft six metres or less. This mandatory requirement is a critical step towards protecting mokopuna when they are on the water.
2. Considering the significant vulnerability of all children to drowning when they are out on the water, we are of the view that the Bill should go further and require the mandatory use of life jackets for all children under 18 years on all recreational craft.
3. We are also of the view that life jackets should be made compulsory for everyone, considering that adults are most likely to drown out of all age groups and the devastating effect that losing a parent or family member can have on children and young people.
4. To further protect children from the risk of drowning, we urge the Government to support better regulation, compliance and education in relation to temporary pools, and ensure funding for water safety education and drowning data collection and analysis is maintained, if not increased.

Recommendations:

5. We recommend the Bill is amended to provide that:
 - All children under the age of 18 years of age must wear a size appropriate life jacket when on board all recreational craft, regardless of size; and
 - All people aged 18 years and over must also wear life jackets when on board all recreational craft, regardless of size.
6. We also recommend the Government:
 - supports better regulation, compliance and education in relation to temporary pools to prevent drownings of children; and
 - maintains or increases funding for water safety education and drowning data collection and analysis.

Protecting children from water-related accidents and death

7. The UN Convention on the Rights of the Child (the Children's Convention) recognises every child has an inherent right to life and that States Parties, including New Zealand, have an obligation to guarantee to the maximum extent possible the survival and development of children.²
8. Water related accidents are a key threat to children's right to life, survival and development in Aotearoa New Zealand. Historically, drowning was the leading cause of preventable death in toddlers.³
9. Our country has made significant progress on reducing drownings among children and young people, due to pool fencing regulation and water safety education initiatives. This is a really positive example of taking a children's rights approach. As a result, child pool

² Article 6.

³ 2024 Drowning Prevention Report at 15.

deaths dropped almost 80% from an average of 8 fatalities every year in the 1980s to a ten-year average of 1.7 child pool drownings annually (2014-2023).⁴

10. While this progress is commendable, children and young people are still drowning in Aotearoa New Zealand and it remains a key cause of preventable death in children. In 2024, five children aged between 0-14 years drowned either at home, in rivers or inland water areas and four young people aged between 15-25 years drowned either in rivers or on the coast.⁵ Two recent drownings of young children in unfenced temporary pools have also highlighted a gap in New Zealand's regulatory framework and prompted calls for temporary pools to be banned in New Zealand.⁶
11. Too many mokopuna lose their parents, caregivers and family members to drowning in our country, with 42 adults aged between 25-54 years dying in 2024, mainly in coastal and offshore areas, which is an increase in fatalities compared to the 10-year average (35).⁷
12. There are significant disparities in drownings by ethnicity, particularly among Middle Eastern, Latin American, and African populations and Māori.⁸ Young Māori and Pacific adults aged 15-25 years are over-represented in drowning statistics, particularly around rivers.⁹

Our independent feedback on the Bill

13. We welcome the Bill's proposal to make life jackets compulsory for all children aged 0 to 14 years on vessels six metres or less. We also welcome the stipulation that size appropriate life jackets for children must be provided. It is critical that children are provided with the best protection possible whenever they are on the water. We are also pleased to see this requirement will apply everywhere in New Zealand waters (which includes the sea, rivers, and internal and inland waters), regardless of local navigation bylaws.
14. Considering all children have the intrinsic right to life and for their survival and development to be guaranteed to the maximum extent possible, we recommend the Bill is amended to extend this protection to all children under 18 years of age. This is consistent with the definition of a child under the Children's Convention (Article 1).
15. Considering the significant vulnerability of children to drowning when they are out on the water, we recommend that the mandatory use of life jackets for children under 18 years is extended to all recreational craft, not only smaller vessels 6 metres or less as proposed by the Bill.
16. We recommend the Bill is amended to make life jackets compulsory for everyone on all recreational craft, considering that adults are most likely to drown out of all age groups and the devastating effect that losing a parent or family member can have on children and young people.

⁴ [2024 Drowning Prevention Report](#) at 15.

⁵ [2024 Drowning Prevention Report](#) at pp.14-19.

⁶ 'Tragedy waiting to happen': Renewed calls for ban on unfenced temporary pools | RNZ News

⁷ [2024 Drowning Prevention Report](#) at 21.

⁸ [2024 Drowning Prevention Report](#) at 6.

⁹ [2024 Drowning Prevention Report](#) at 19.

Further action required to keep children safe around water

Regulating use of temporary pools

17. In light of the recent child drownings in unfenced temporary pools, we urge the Government to consider how to protect better children from the risks of temporary pools, through supporting better regulation, compliance and education.

Funding for water safety education and drowning data collection and analysis

18. Water safety education, which includes safe swimming lessons for children, has been key to reducing child drownings in Aotearoa New Zealand. We are therefore concerned to hear that government funding to Water Safety New Zealand, the country's lead drowning prevention agency, is to be significantly reduced.¹⁰
19. We strongly recommend the Government reconsiders this decision and ensures Water Safety New Zealand can continue its critical work not only in water safety education, but also the key role it plays in data collection and analysis about drownings, and maintaining the DrownBase database. We urge the Government to also consider increasing funding for water safety education generally, including culturally appropriate education for over-represented groups, as it saves children's lives and the lives of their loved ones, and is crucial in a country where children and whānau are frequently near, in and on water.

Conclusion

20. We commend the intention of the Bill and strongly recommend it is amended to make life jackets mandatory for all children aged under 18 years of age on all recreational craft. We urge the Government to make life jackets mandatory for everyone considering the devastating impact losing a parent, caregiver or family member has on a child.
21. We urge the Government to consider how to better protect children from drowning in other ways, including through supporting better regulation, compliance and education in relation to temporary pools and maintaining, if not increasing, funding to water safety education and drowning data collection and analysis.

¹⁰ [Water Safety NZ set to lose \\$1.1m in annual government funding from ACC | RNZ News](#)