

In 2015, Norfolk Island made no advancement in efforts to prevent the worst forms of child labor. Although research found no evidence that child labor, including its worst forms, exists in Norfolk Island, gaps in the legal framework fail to prevent children from involvement in the worst forms of child labor. Legislation also does not prescribe a minimum age for employment, prohibit hazardous work for children, or fully protect minors under age 18 from commercial sexual exploitation.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR




Research found no evidence that child labor, including its worst forms exists on Norfolk Island.(1)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

According to the Government of Australia, the extent to which legislation, including laws implementing Australia’s treaty obligations, applies to the external territories varies. In relation to Norfolk Island, legislation of the Federal Parliament applies only if it is clearly stated to do so or if it is obvious from the legislation in question that it was intended to do so. The territory follows a combination of its own laws and some of the laws of Australia.(2)

Evidence suggests that Australia’s ratification of conventions applies to Norfolk Island (Table 1).

Table 1. Ratification of International Conventions on Child Labor

	Convention	Ratification
	ILO C. 138, Minimum Age	
	ILO C. 182, Worst Forms of Child Labor	✓
	UN CRC	✓
	UN CRC Optional Protocol on Armed Conflict	✓
	UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓

Norfolk Island is a self-governing territory of Australia.(1, 3) The Norfolk Island Government has established laws and regulations related to child labor, including its worst forms (Table 2).

Table 2. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	No		Norfolk Island Employment Act (4)
Minimum Age for Hazardous Work	No		Norfolk Island Employment Act (4)
List of Hazardous Occupations Prohibited for Children	No		
Prohibition of Forced Labor	Yes		Sections 270.6, 270.7, 271.4, and 271.7 of the Commonwealth Criminal Code Act of Australia 1995; Crimes Legislation Amendment Act 2013; Parts 3.10 and Part 6.5 section 305 of the Norfolk Island Criminal Code Act 2007 (5-7)
Prohibition of Child Trafficking	Yes		Sections 271.4 and 271.7 of the Commonwealth Criminal Code Act of 1995 of Australia; Crimes Legislation Amendment Act 2013 (5, 6)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Section 270.6 of the Commonwealth Criminal Code Act 1995 of Australia; Section 93N of the Criminal Code Amendment Act of 1993; Crimes Legislation Amendment Act 2013; and Part 6.5 Section 3.10 of the Norfolk Island Criminal Code Act 2007 (5-8)
Prohibition of Using Children in Illicit Activities	Yes		Section 305 of the Norfolk Island Criminal Code Act 2007 (7)

Table 2. Laws and Regulations Related to Child Labor (cont)

Standard	Yes/No	Age	Related Legislation
Minimum Age for Compulsory Military Service*	Yes	18	Canberra Act(9)
Minimum Age for Voluntary Military Service*	Yes	17	Canberra Act (9)
Compulsory Education Age	Yes	15	Section 16(1) of the Norfolk Island Education Act (10)
Free Public Education	Yes		Section 14(1) of the Norfolk Island Education Act (10)

* No conscription (9)

In 2015, Australia passed the Norfolk Island Legislation Amendment Bill, which establishes that New South Wales (NSW) state laws will eventually apply to Norfolk Island following Commonwealth government consultation with Norfolk Island businesses and workers. While this legislation has the potential for improving legal protections for children engaged in child labor, including its worst forms, it is unclear whether all New South Wales laws will apply to Norfolk Island.(11)

Currently, there is no minimum age for employment on Norfolk Island. Children younger than age 15, however, are subject to limitations under the Norfolk Island Employment Act of 1988.(4) Children younger than age 15 may not work more than 20 hours a week, at night, or during school hours.(4) Parental consent and written agreement are required to employ persons younger than age 18.(12) Information is limited, but it does not appear that Norfolk Island has restrictions on hazardous child labor, and the Government has not developed a list of hazardous occupations prohibited to children. However, employers have a duty to provide a safe working environment as well as the required safety equipment and clothing, without any charge to their employees.(13)

Section 93N of the Criminal Law Amendment Act makes it illegal to employ a person younger than age 16 for the purposes of prostitution.(8) Therefore, the criminal laws currently in force fail to fully protect children ages 16 to 18 from commercial sexual exploitation.

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

Even though there is no evidence of a problem, the Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 3).

Table 3. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Employment inspectors and child welfare officers	Monitor the employment of young workers and take action with regard to their protection, including the production of child pornography.(13)
Australian Federal Police	Enforce criminal laws related to the worst forms of child labor.(14) In the case of Human Trafficking Teams, investigate human trafficking for the purpose of transnational sexual and labor exploitation. (13) In the case of the Child Protection Operations Team, perform investigations and coordinates efforts to address online international child commercial sexual exploitation, child pornography, and child commercial sexual exploitation in the tourism industry.(14, 15)

In 2015, Norfolk Island employed approximately two labor inspectors to conduct regular workplace inspections.(12)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

Although there is no evidence of a problem, Norfolk Island is included in Australia's Interdepartmental Committee on Human Trafficking to address child labor, including its worst forms (Table 4).

Table 4. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Interdepartmental Committee on Human Trafficking	Chaired by the Attorney General's Department, deals with child labor issues from a human trafficking perspective and consists of 10 government agencies including the Australian Federal Police; the Office for Women; the Department of Immigration and Border Protection; the Australian Crime Commission; the Department of Foreign Affairs and Trade; Fair Work Ombudsman; Fair Work Building and Construction; the Department of the Prime Minister and Cabinet; the Department of Education; and the Department of Employment.(3, 16)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

As there is no evidence of a problem, there appears to be no need for policies to address child labor, including its worst forms.

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

As there is no evidence of a problem, there appears to be no need for programs to address child labor, including its worst forms.

VII. SUGGESTED GOVERNMENT ACTIONS TO PREVENT THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the continued prevention of child labor, including its worst forms, in Norfolk Island (Table 5).

Table 5. Suggested Government Actions to Prevent Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Establish a minimum age for employment equal to the compulsory education age.	2010 – 2015
	Establish laws to prohibit children under age 18 from engaging in hazardous work in consultation with employers' and workers' organizations.	2010 – 2015
	Ensure that all children younger than age 18 are protected from commercial sexual exploitation.	2010 – 2015

REFERENCES

- U.S. Embassy- Canberra. *reporting, January 13, 2015.*
- Government of Australia. *Legal Risk in International Transaction: Section 10: External Territories.* Canberra; 2012. <http://www.alrc.gov.au/publications/report-80>.
- U.S. Embassy- Canberra. *reporting, January 17, 2014.*
- Government of Niue,. *Terrorism Suppression and Transnational Crimes Act 2006,* enacted 2006. http://www.pacii.org/nu/legis/consol_act/tsatca2006529/.
- Government of Australia. *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013,* enacted March 8, 2013. <https://www.legislation.gov.au/Details/C2013A00006>.
- U.S. Embassy- Wellington. *reporting, February 3, 2015.*
- Government of Norfolk Island. *Norfolk Island Criminal Code,* enacted 2007. http://norfolkisland.gov.nf/legislation/Norfolk_Island_Legislation/Norfolk%20Island%20Legislation%20Pre%2017%20June%202015/ConsolidatedActs/CriminalCode2007.doc.
- U.S. Embassy- Wellington. *reporting, January 15, 2016.*
- Government of Australia. *Canberra Act 2600,* enacted April 22, 2008. [source on file].
- Government of Niue,. *Education Act 1989,* enacted 1989.
- Australia. *Norfolk Island Legislation Amendment Bill 2015,* 44, enacted May 26, 2015. http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r5440.
- U.S. Embassy- Canberra. *reporting, January 11, 2016.*
- U.S. Embassy- Canberra. *reporting, January 19, 2012.*
- U.S. Embassy- Canberra. *reporting, February 11, 2011.*
- Australian Federal Police. *AFP Child Protection Operations-Online Child Sex Exploitation,* Commonwealth of Australia, [Online] March 6, 2014 [cited 2014]; <http://www.afp.gov.au/policing/child-protection-operations/online-exploitation.aspx>.
- Australian Government, Department of Social Services. *Australia's Anti-Human Trafficking Strategy,* Australian Government, [Online] March 2, 2016 [cited March 6, 2014]; <http://www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/anti-human-trafficking-strategy>.