

Norfolk Island

NO ADVANCEMENT

NON-INDEPENDENT COUNTRIES AND TERRITORIES

In 2013, Norfolk Island made no advancement in efforts to prevent the worst forms of child labor. Although no information suggests that the worst forms of child labor are a problem, gaps exist in the legal framework to prevent children from involvement in the worst forms of child labor. National legislation fails to prescribe a minimum age for employment, prohibit hazardous work for children, and fully protect minors under 18 from exploitation in prostitution, which leaves children vulnerable to the worst forms of child labor.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR




There is no evidence that children on Norfolk Island are engaged in the worst forms of child labor.(1, 2)

II. LEGAL FRAMEWORK ON 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 expressly stated to do so or if it is obvious from the legislation in question that it was intended to do so.(3) The territory follows a combination of its own laws and some of the laws of Australia.

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, and the Government has established relevant laws and regulations related to child labor, including its worst forms (Table 2).(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 of 1988 (1, 4)
Minimum Age for Hazardous Work	No		Norfolk Island Employment Act of 1988 (5)
List of Hazardous Occupations Prohibited for Children	No		
Prohibition of Forced Labor	Yes		Australia's Commonwealth Criminal Code Act of 1995, (applies to Norfolk Island); The Norfolk Island Criminal Code Act 2007 (5, 6)
Prohibition of Child Trafficking	Yes		Australia's Commonwealth Criminal Code Act of 1995 (applies to Norfolk Island); The Norfolk Island Criminal Code Act 2007 (5, 6)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Australia's Commonwealth Criminal Code Act of 1995 (applies to Norfolk Island); The Norfolk Island Criminal Code Act 2007 (5, 6)
Prohibition of Using Children in Illicit Activities	Yes		The Norfolk Island Criminal Code Act 2007 (5, 6)
Minimum Age for Voluntary Military Service	Combat:	18	Australian Defense Force (7-9)
	Yes		
	Non-Combat: Yes	17	

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

Standard	Yes/No	Age	Related Legislation
Compulsory Education Age	Yes	15	Norfolk Island Education Act (1, 4)
Free Public Education	Yes		Norfolk Island Education Act (1, 4)

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.(1, 4) Children younger than age 15 may not work more than 20 hours a week, at night, or during school hours.(5) Parental consent and written agreement are required to employ persons younger than age 18.(5) 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.(4)

The Criminal Law Amendment Act 1995 makes it illegal to employ a person younger than age 16 for the purposes of prostitution.(5) Therefore, the criminal laws fail to fully protect children ages 16 to 18 from prostitution. The Child Welfare Act of 2009, however, protects children under the age of 18 from sexual and financial exploitation by allowing officials to take children at risk of harm or injury into safe custody.(10-12)

In November 2012, the Government of Norfolk Island, through the Legal Service Unit, began preparing legislative amendments to address gaps in its legal framework to enhance protections for children vulnerable to exploitative labor. (1, 2, 11) Research indicates that such amendments have not yet been passed or implemented.

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.(4, 10, 11)
Australian Federal Police	Enforce criminal laws related to the worst forms of child labor.(5)
Australian Federal Police: Human Trafficking Teams	Investigate human trafficking for the purpose of transnational sexual and labor exploitation.(4)
Australian Federal Police: Child Protection Operations Team	Perform an investigative and coordination role for multijurisdictional and international child sex exploitation online, child sex tourism, and child pornography.(5, 13)

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 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.(2, 14)

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, in Norfolk Island.

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 social programs to address child labor, including its worst forms, in Norfolk Island.

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
Laws	Establish a legal minimum age for employment.	2010–2013
	Establish laws to prohibit children under age 18 from engaging in hazardous work.	2010–2013
	Amend the Criminal Law Amendment Act 1993 to protect all children younger than age 18 from prostitution.	2010–2013

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