

In 2014, Christmas 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 Christmas Island, gaps exist in the legal framework to prevent children from involvement in the worst forms of child labor, including the lack of hazardous work prohibitions and a minimum age for hazardous work.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR




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

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

The Acts Interpretation Act 1901 provides that Christmas Island is included as part of the territory of Australia, as denoted by law. Accordingly, all legislation of the federal parliament applies to these territories unless specifically excluded, including Australia's ratification of conventions.(2)

Because Australia has ratified most key international conventions concerning child labor, the following conventions apply to Christmas 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	✓

Christmas Island is subject to the child labor laws of the state of Western Australia.(1, 3) The 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	Yes	15	Section 190 of the Western Australia Children and Community Services Act 2004 (4)
Minimum Age for Hazardous Work	No		Western Australia Children and Community Services Act 2004 (4)
List of Hazardous Occupations Prohibited for Children	No		
Prohibition of Forced Labor	Yes		Sections 270.6 and 270.7 of the Commonwealth Criminal Code Act 1995 of Australia; Crimes Legislation Amendment Act 2013 (5, 6)
Prohibition of Child Trafficking	Yes		Sections 271.2 through 271.7 of the Commonwealth Criminal Code Act 1995 of Australia; Crimes Legislation Amendment Act 2013 (5, 6)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Section 16 of the Western Australia Prostitution Act of 2000; the Western Australia Children and Community Services Act; Sections 271.2 through 271.7 of the federally enacted Commonwealth Criminal Code Act 1995 of Australia; Crimes Legislation Amendment Act 2013 (4-9)
Prohibition of Using Children in Illicit Activities	Yes		Sections 309 and 310 of the Commonwealth Criminal Code Act 1995 of Australia; Crimes Legislation Amendment Act 2013 (5)

Christmas Island

NO ADVANCEMENT

NON-INDEPENDENT COUNTRIES AND TERRITORIES

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

Standard	Yes/No	Age	Related Legislation
Minimum Age for Voluntary Military Service*	Combat: Yes	18	Canberra Act (10)
	Non-Combat: Yes	17	
Compulsory Education Age	Yes	17	Sections 6 and 7 of the Western Australia School Education Act 1999 (3, 11)
Free Public Education	Yes		Section 98 of the Western Australia School Education Act 1999 (11)

* No conscription (10)

Research found that Christmas Island does not have a minimum age for hazardous work or a list of hazardous activities, which leaves children vulnerable to the worst forms of child labor.

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

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

Table 3. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Australian Federal Police, the Department of Immigration, and the Department of Regional Development	Enforce criminal laws related to the worst forms of child labor. Issue orders for a child to stop working if there is risk of harm.(8, 12)
Australian Federal Police	Investigate the commercial sexual exploitation of children, including pornography.(8)
Australian Federal Police: Human Trafficking Teams	Investigate human trafficking for the purpose of transnational sexual and labor exploitation.(9, 12)
Australian Federal Police: Child Protection Operations Team	Coordinate and investigate online and multijurisdictional online child sex exploitation issues, including child pornography.(8, 9, 12)
Department of Child Protection	Issue orders to stop a child from working if there is a risk of harm. (1, 5)

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

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

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 Christmas Island (Table 4).

Table 4. Suggested Government Actions to Prevent Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Clarify whether Christmas Island has codified a list of hazardous activities prohibited for children under age 18.	2013 – 2014
	Clarify whether Christmas Island has established a minimum age for hazardous work.	2013 – 2014

REFERENCES

1. U.S. Embassy- Canberra. *reporting, January 13, 2015.*
2. Government of Australia, Australian Law Reform Commission. *Legal Risks in International Transactions (Section 10: External Territories)*. Sydney; July 19, 2012. <http://www.alrc.gov.au/publications/alrc-80-legal-risk-international-transactions/10-external-territories>.
3. U.S. Embassy- Canberra. *reporting, January 31, 2013.*
4. Government of Western Australia. *Children and Community Services Act 2004*, enacted October 20, 2004. http://www.austlii.edu.au/au/legis/wa/consol_act/cacsa2004318/.
5. Government of Western Australia. *The Criminal Code Act 1995*, enacted 1995. http://www.austlii.edu.au/au/legis/cth/consol_act/cca1995115/sch1.html.
6. Government of Australia. *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013*, enacted March 8, 2013.
7. Government of Western Australia. *Prostitution Act 2000*, enacted July 29, 2000. http://www.austlii.edu.au/au/legis/wa/consol_act/pa2000205/.
8. U.S. Embassy- Canberra. *reporting, February 11, 2011.*
9. Government of Australia. *Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*. Canberra; December 2008. [http://www.ncylc.org.au/Croc/First+Australian+Report+under+OPCR\(C.S.C\)+-+Proofread+Version+-+May+2009.pdf](http://www.ncylc.org.au/Croc/First+Australian+Report+under+OPCR(C.S.C)+-+Proofread+Version+-+May+2009.pdf).
10. Government of Australia. *Canberra Act 2600*, enacted April 22, 2008.
11. *Western Australia School Education Act 1999*, enacted 1999. http://www.austlii.edu.au/au/legis/wa/consol_act/sea1999170/s6.html.
12. U.S. Embassy- Canberra. *reporting, January 19, 2012.*