

In 2015, Christmas Island made no advancement in efforts to prevent the worst forms of child labor. Although research found no evidence that child labor, including the worst forms, exists in Christmas Island, a gap in the legal framework for light work leaves children vulnerable to involvement in the worst forms of child labor.

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 Christmas Island Act 1958 and the Acts Interpretation Act 1901 provide that Christmas Island is included as part of the territory of Australia, as denoted by law.(2, 3) Accordingly, all legislation of the Federal Parliament applies to this territory, unless specifically excluded, including Australia’s ratification of conventions.(4)

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) The Government of Western Australia 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 (5)
Minimum Age for Hazardous Work	Yes	18	Sections 2.28 and 10.4 of the Western Australia Mines Safety and Inspection Regulations; Section 121.10–121.11 of the Liquor Control Act (6, 7)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Section 192 of the Western Australia Children and Community Services Act; Sections 2.8 and 10.4 of the Western Australia Mines Safety and Inspection Regulations; Sections 121.10–121.11 of the Liquor Control Act (6)
Prohibition of Forced Labor	Yes		Sections 270.6–270.7 of the Commonwealth Criminal Code Act of Australia; Crimes Legislation Amendment Act (8, 9)
Prohibition of Child Trafficking	Yes		Sections 271.2–271.7 of the Commonwealth Criminal Code Act of Australia; Crimes Legislation Amendment Act (8, 9)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Section 16 of the Western Australia Prostitution Act; Section 192 of the Western Australia Children and Community Services Act; Sections 271.2–271.7 of the federally-enacted Commonwealth Criminal Code Act of Australia; Crimes Legislation Amendment Act (5, 8-12)

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
Prohibition of Using Children in Illicit Activities	Yes		Sections 309–310 of the Commonwealth Criminal Code Act of Australia; Crimes Legislation Amendment Act (8, 9)
Minimum Age for Compulsory Military Service	N/A*		Canberra Act (13)
Minimum Age for Voluntary Military Service	Combat: Yes Non-Combat: Yes	18 17	Canberra Act (13)
Compulsory Education Age	Yes	17‡	Section 6 of the Western Australia School Education Act (14)
Free Public Education	Yes		Section 98 of the Western Australia School Education Act (14)

* No conscription (13)

‡ Age calculated based on available information (14)

According to the Western Australia School Education Act, education is compulsory until the end of the year in which a child reaches age 17 years and 6 months; until the child finishes the minimum requirements for secondary school graduation under the Curriculum Council Act of 1997; or until the child reaches age 18, whichever comes first.(14)

The Children and Community Services Act sets the minimum age for light work in delivery employment at 10 years. This is not in compliance with international standards, which set the minimum age for light work at 13.(5)

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

Although 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.(11, 15)
Australian Federal Police	Investigate the commercial sexual exploitation of children, including pornography.(11)
Australian Federal Police: Human Trafficking Teams	Investigate human trafficking for transnational sexual and labor exploitation.(12, 15)
Australian Federal Police: Child Protection Operations Team	Coordinate and investigate online and multijurisdictional online child sex exploitation issues, including child pornography.(11, 12, 15)
Department of Child Protection	Issue orders to stop a child from working if there is a risk of harm.(8, 16)

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

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, a suggested action is 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	Raise the minimum age for all light work to 13 to comply with international standards.	2015

REFERENCES

1. U.S. Embassy- Canberra. *reporting, January 11, 2016.*
2. Christmas Island. *Christmas Island Act*, enacted 1958. <https://www.comlaw.gov.au/Series/C1958A00041>.
3. Government of Australia. *Acts Interpretation Act 1901*, enacted 1901. <https://www.legislation.gov.au/Details/C2016C00531/Download>.
4. 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>.
5. 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/.
6. Government of Western Australia. *Liquor Control Act* enacted 1998. http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_546_homepage.html.
7. Government of Western Australia. *Mines Safety and Inspection Regulations 1995*, enacted 1995. www.slp.wa.gov.au.
8. Government of Western Australia. *The Criminal Code Act 1995*, enacted 1995. http://www.austlii.edu.au/au/legis/cth/consol_act/cca1995115/sch1.html.
9. Government of Australia. *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013*, enacted March 8, 2013.
10. Government of Western Australia. *Prostitution Act 2000*, enacted July 29, 2000. http://www.austlii.edu.au/au/legis/wa/consol_act/pa2000205/.
11. U.S. Embassy- Canberra. *reporting, February 11, 2011.*
12. 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+OPCRC\(SC\)+-+Proofread+Version+-+May+2009.pdf](http://www.ncylc.org.au/Croc/FIRST+Australian+Report+under+OPCRC(SC)+-+Proofread+Version+-+May+2009.pdf).
13. Government of Australia. *Canberra Act 2600*, enacted April 22, 2008.
14. *Western Australia School Education Act 1999*, enacted 1999. http://www.austlii.edu.au/au/legis/wa/consol_act/sea1999170/s6.html.
15. U.S. Embassy- Canberra. *reporting, January 19, 2012.*
16. U.S. Embassy- Canberra. *reporting, January 31, 2013.*