

Overseas Territories of Australia

CHRISTMAS ISLAND

NO ADVANCEMENT

In 2017, Christmas Island made no advancement in efforts to eliminate the worst forms of child labor. Research found no evidence that child labor exists in Christmas Island. However, a gap in the legal framework for light work leaves children vulnerable to involvement in child labor. The law also does not prohibit the involvement of children in illicit activities.

COCOS (KEELING) ISLANDS

NO ADVANCEMENT

In 2017, the Cocos (Keeling) Islands made no advancement in efforts to eliminate the worst forms of child labor. Research found no evidence that child labor exists in the Cocos (Keeling) Islands. However, a gap in the legal framework for light work leaves children vulnerable to involvement in child labor. The law also does not prohibit the involvement of children in illicit activities.

NORFOLK ISLAND

NO ADVANCEMENT

In 2017, Norfolk Island made no advancement in efforts to eliminate the worst forms of child labor. Research found no evidence that child labor exists in Norfolk Island. However, the legal framework does not have a minimum age for work for children. The law also does not fully protect children from commercial sexual exploitation or hazardous work.

I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR




Research found no evidence that child labor exists in Christmas Island, the Cocos (Keeling) Islands, or Norfolk Island. (1; 2)

II. LEGAL FRAMEWORK FOR CHILD LABOR

Christmas Island (CI), the Cocos (Keeling) Islands (CKI), and Norfolk Island (NI) are included as part of the territory of the Australian Commonwealth, which provides for their defense. (1; 3; 4; 5; 6) All legislation of the Federal Parliament applies, unless specifically excluded. (7)

Because Australia has ratified most key international conventions concerning child labor, the following conventions apply to Christmas Island, the Cocos (Keeling) Islands and Norfolk Island (Table 1).

Table 1. Ratification of International Conventions on Child Labor

	Convention	Ratifications		
		CI	CKI	NI
	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	✓	✓	✓

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CHRISTMAS ISLAND AND COCOS (KEELING) ISLANDS

Christmas Island and the Cocos (Keeling) Islands are subject to the laws and regulations related to child labor of the Commonwealth of Australia and the state of Western Australia (Table 2). (1) However, gaps exist in their legal framework to adequately protect children from child labor including the prohibition of child trafficking.

Table 2. Laws and Regulations on Child Labor

CHRISTMAS ISLAND/COCOS (KEELING) ISLANDS			
Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	15	Section 190 of the Western Australia Children and Community Services Act (8)
Minimum Age for Hazardous Work	Yes	18	Section 10.4 of the Western Australia Mines Safety and Inspection Regulations (9)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Section 10.4 of the Western Australia Mines Safety and Inspection Regulations (9)
Prohibition of Forced Labor	Yes		Sections 270.6–270.7 of the Commonwealth Criminal Code Act of Australia; Sections 270.6–270.7 and 271.9 of the Crimes Legislation Amendment Act (10; 11)
Prohibition of Child Trafficking	No		Sections 271.1A, 271.4 and 271.7 of the Commonwealth Criminal Code Act of Australia (10)
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 (8; 12)
Prohibition of Using Children in Illicit Activities	Yes		Sections 309–310 of the Commonwealth Criminal Code Act of Australia (10)
Prohibition of Military Recruitment			
State Compulsory	N/A*		Canberra Act 2600 (13)
State Voluntary	Yes	18	Canberra Act 2600 (13)
Non-state	No		
Compulsory Education Age	Yes	17.5	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)

In Christmas Island and the Cocos (Keeling) Islands, the Government of Western Australia's Children and Community Services Act sets the minimum age for light work in delivery employment at 10 years if the child is accompanied by a parent or an authorized adult. This is not in compliance with international standards, which set the minimum age for light work at age 13. (8; 15)

Laws related to child trafficking are not sufficient as the recruitment, harboring, transfer, and receipt of children for forced labor and commercial sexual exploitation is not clearly criminalized. (10)

For Christmas Island and the Cocos (Keeling) Islands, the Western Australia School Education Act notes that 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)

NORFOLK ISLAND

Norfolk Island is subject to the laws and regulations related to child labor of the Commonwealth of Australia and is transitioning to the law of the state of New South Wales. (16; 6) Certain Norfolk Island-specific laws related to child labor, including the Norfolk Island Employment Act and the Norfolk Island Criminal Code, remained in effect during the reporting period. (17) The government has established laws and regulations related to child labor. However, gaps exist in Norfolk Island's legal framework to adequately protect children from child labor, including the minimum age for work.

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Table 2. Laws and Regulations on Child Labor (cont)

NORFOLK ISLAND			
Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No		Article 24 of the Norfolk Island Employment Act (18)
Minimum Age for Hazardous Work	No		
Identification of Hazardous Occupations or Activities Prohibited for Children	No		
Prohibition of Forced Labor	Yes		Sections 270.6–270.7 of the Commonwealth Criminal Code Act of Australia; (10)
Prohibition of Child Trafficking	No		Sections 271.1A, 271.4 and 271.7 of the Commonwealth Criminal Code Act of Australia (10)
Prohibition of Commercial Sexual Exploitation of Children	No		Section 93N of the Criminal Law Amendment Act; Articles 122–124 of the Norfolk Island Criminal Code Act (19; 20)
Prohibition of Using Children in Illicit Activities	No		Sections 303, 305 of the Norfolk Island Criminal Code 2007 (20)
Prohibition of Military Recruitment			
State Compulsory	N/A*		Canberra Act 2600 (13)
State Voluntary	Yes	18	Canberra Act 2600 (13)
Non-state	No		
Compulsory Education Age	Yes	17	Section 21(B) of the New South Wales Education Act (21)
Free Public Education	Yes		Section 31 of the New South Wales Education Act (21)

* No conscription (13)

Norfolk Island does not have a minimum age for work. Under the Norfolk Island Employment Act, children younger than age 15 may begin working with certain limitations. (22; 18) This is not in compliance with international standards because it allows the employment of children under the age of 15. It also fails to meet international standards because it is lower than the compulsory age for education and may increase the risk of children’s involvement in child labor. (15)

In addition, the government is not in compliance with international standards because it does not have a minimum age for hazardous work and has not identified hazardous occupations prohibited for children. The prohibitions on commercial sexual exploitation do not protect children age 16 and 17 and do not criminalize using or procuring a child for prostitution. The Norfolk Island Criminal Code does not criminalize forced labor, child trafficking, or the use of children in illicit activities, including in the production of drugs. (20)

On June 1, 2016, the Norfolk Island Administration Act went into effect, which established that New South Wales’ (NSW) state laws apply to Norfolk Island. This includes raising the compulsory education age to 17. (2; 23; 16) Although this legislation has the potential for improving legal protections for children engaged in child labor, it is unclear when NSW’s child labor laws will be implemented on Norfolk Island. (2; 23)

III. ENFORCEMENT OF LAWS ON 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, which apply to Christmas Island, the Cocos (Keeling) Islands, and Norfolk Island. Norfolk Island also has its own institutional mechanisms to enforce labor laws and regulations on child labor (Table 3).

Table 3. Agencies Responsible for Child Labor Law Enforcement

CHRISTMAS ISLAND/COCOS (KEELING) ISLANDS	
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. (24) In the case of the Child Protection Operations Team, coordinate and investigate online and multi-jurisdictional online child sex exploitation issues, including child pornography. (25) In the case of Human Trafficking Teams, investigate human trafficking for the purpose of transnational sexual and labor exploitation. (26)

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Table 3. Agencies Responsible for Child Labor Law Enforcement (cont)

CHRISTMAS ISLAND/COCOS (KEELING) ISLANDS	
Organization/Agency	Role
Australian Department of Child Protection	Issue orders to stop a child from working if there is a risk of harm. (27)

Western Australian WorkSafe Inspectors provide services on Christmas Island and the Cocos (Keeling) Islands, where they have the right to enter, at any time, any workplace including aircraft, ships, and vehicles in which employees work or are likely to be in the course of their work. Inspectors have unrestricted access to workplaces, except where there is a statutory restriction, to determine whether employers are in compliance with the Occupational Safety and Health Act. (28; 29)

NORFOLK ISLAND	
Organization/Agency	Role
Norfolk Island Employment Inspectors and Child Welfare Officers	Monitor the employment of young workers and take action with regard to their protection. Work to prevent the production of child pornography. (26)
Australian Federal Police	Be responsible for law enforcement services on Norfolk Island, including combating transnational crimes. (30; 31)

Norfolk Island no longer maintains its own inspectors since the Australian state of NSW assumed social service responsibilities in July 2016. (29)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 4).

Table 4. Key Mechanisms to Coordinate Government Efforts on Child Labor

CHRISTMAS ISLAND/COCOS (KEELING) ISLANDS/NORFOLK ISLAND	
Coordinating Body	Role and 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. (32)

V. GOVERNMENT POLICIES ON CHILD LABOR

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

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

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

VII. SUGGESTED GOVERNMENT ACTIONS TO PREVENT CHILD LABOR

Based on the reporting above, the following actions would advance the continued prevention of child labor in Christmas Island, the Cocos (Keeling) Islands, and Norfolk Island (Table 5).

Table 5. Suggested Government Actions to Prevent Child Labor

CHRISTMAS ISLAND/COCOS (KEELING) ISLANDS		
Area	Suggested Action	Year(s) Suggested
Legal Framework	Raise the minimum age for all light work to age 13 to comply with international standards.	2015 – 2017
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2017

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Table 5. Suggested Government Actions to Prevent Child Labor (cont)

NORFOLK ISLAND		
Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the minimum age for work of age 17 is in compliance with international standards.	2016 – 2017
	Establish laws to prohibit children under age 18 from engaging in hazardous work and identify hazardous occupations and activities prohibited for children in consultation with employers' and workers' organizations.	2010 – 2017
	Ensure that the law prohibits using, offering, and procuring a child under age 18 for commercial sexual exploitation, including prostitution.	2017
	Ensure that laws related to illicit activities criminalize the use of children in the production of drugs.	2016 – 2017
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2017
	Publish information on the applicability and implementation of New South Wales' laws related to child labor.	2016 – 2017

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