

Although research found no evidence that child labor exists on Norfolk Island, the government made no advancement in efforts to prevent the worst forms of child labor in 2018. The legal framework does not have a minimum age for work for children. In addition, the law 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 Norfolk Island. (1)

II. LEGAL FRAMEWORK FOR CHILD LABOR

Norfolk Island is included as part of the territory of the Australian Commonwealth, which provides for its defense. (2-5) All legislation of the Federal Parliament applies, unless specifically excluded. (4) Because Australia has ratified most key international conventions concerning child labor, the following conventions apply 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	✓

The Norfolk Island Employment Act 1988 and the Norfolk Island Criminal Code remain in force. (1,5-7) The government has established laws and regulations related to child labor (Table 2). However, gaps exist in Norfolk Island's legal framework to adequately protect children from the worst forms of child labor, including the minimum age for work.

Table 2. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No		Article 24 of the Norfolk Island Employment Act (8)
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 and 270.7c of the Commonwealth Criminal Code Act of Australia (9)
Prohibition of Child Trafficking	No		Sections 271.1A, 271.4, and 271.7 of the Commonwealth Criminal Code Act of Australia (9)
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 2007(10,11); and Sections 271.4 and 271.7 of the Commonwealth Criminal Code of Australia (9)
Prohibition of Using Children in Illicit Activities	No		Articles 303 and 305 of the Norfolk Island Criminal Code 2007 (11); and Sections 309-310 of the Commonwealth Criminal Code of Australia (9)

Norfolk Island

NO ADVANCEMENT

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

Standard	Meets International Standards	Age	Legislation
Minimum Age for Voluntary State Military Recruitment	Yes	18	Canberra Act 2600 (12)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		Canberra Act 2600 (12)
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Sections 268.68 and 268.88 of the Commonwealth Criminal Code Act of Australia (10)
Compulsory Education Age	Yes	17	Section 21(B) of the New South Wales Education Act (5,13,14)
Free Public Education	Yes		Section 31 of the New South Wales Education Act (13)

* No conscription (12)

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. (8,15) This is not in compliance with international standards because it allows for the employment of children under the age of 15. Further, as the minimum age for work is lower than the compulsory education age, children may be encouraged to leave school before the completion of compulsory education. (16) Laws related to child trafficking are not sufficient as the recruitment, harboring, transfer, and receipt (domestically) of children for forced labor and commercial sexual exploitation are not clearly prohibited. (9,10) Laws related to illicit activities do not criminalize the use, procuring, and offering of children for the production of drugs. (9,11)

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 all children under 18 and do not criminalize using a child for prostitution. (11)

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 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

Organization/Agency	Role
Norfolk Island Labor Inspectors	Inspect places of employment for violations. Authorized to issue stop-work orders when violations are found, including child labor violations. (8)
Child Welfare Officers	Enforces laws prohibiting commercial sexual exploitation of children. Provides outreach and establishes community programs to raise awareness about commercial sexual exploitation of children. (17)
Australian Federal Police	Enforces criminal laws related to the worst forms of child labor. (18) In the case of the Child Protection Operations Team, coordinates and investigates online and multi-jurisdictional online child sex exploitation issues, including child pornography. (19) In the case of Human Trafficking Teams, investigates human trafficking for the purpose of transnational sexual and labor exploitation. (20)

Labor Law Enforcement

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

Criminal Law Enforcement

As there is no evidence of a problem, there appears to be no need for criminal law enforcement actions to address child labor.

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

Although there is no evidence of a problem, the Government of Australia has established mechanisms to coordinate government efforts on child labor (Table 4).

Table 4. Key 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, including its worst forms, from a human trafficking perspective. Consists of 10 government agencies, including the Australian Federal Police, Department of Employment, and Department of Foreign Affairs. (1,20) This Committee was active in 2018, but information regarding its work was unavailable for inclusion in this report. (21)

V. GOVERNMENT POLICIES ON CHILD LABOR

Although there is no evidence of a problem, the Government of Australia has established policies related to child labor (Table 5).

Table 5. Key Policies Related to Child Labor

Policy	Description
National Action Plan to Combat Human Trafficking and Slavery 2015–2019	Outlines cooperation and participation by government and non-government entities to combat human trafficking and slavery, including commercial sexual exploitation of children. (1,22) While this policy was in effect in 2018, research was unable to determine whether activities were undertaken to implement it during the reporting period.

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 ELIMINATE CHILD LABOR

Based on the reporting above, the following actions would advance the continued prevention of child labor in Norfolk Island (Table 6).

Table 6. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the minimum age for work is in compliance with international standards, including by ensuring that it is not lower than the compulsory age for education.	2016 – 2018
	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 – 2018
	Ensure that child trafficking, including the recruitment, harboring, transfer, and receipt of children for forced labor and commercial sexual exploitation, is clearly criminalized both domestically and internationally.	2018
	Ensure that the law prohibits using, offering, and procuring a child under age 18 for commercial sexual exploitation, including prostitution.	2017 – 2018
	Ensure that laws related to illicit activities criminalize the use of children, including in the production of drugs.	2016 – 2018

REFERENCES

- U.S. Embassy- Canberra. Reporting. March 8, 2019.
- U.S. Embassy- Canberra. Reporting. January 11, 2016.
- CIA. The World Factbook. Accessed March 22, 2019
<https://www.cia.gov/library/publications/the-world-factbook/geos/nf.html>.
- Government of Australia. Legal Risk in International Transaction: Section 10: External Territories. Canberra. 2012.
<http://www.alrc.gov.au/publications/alrc-80-legal-risk-international-transactions/10-external-territories>.
- Government of Australia. Norfolk Island Legislation Amendment Act 2015, No. 59. Enacted: March 24, 2016.
<https://www.legislation.gov.au/Details/C2016C00568>.
- Government of New South Wales. Norfolk Island Administration Act. Enacted: 2016.
http://www.austlii.edu.au/au/legis/nsw/num_act/niaa2016n25337.pdf.
- Government of Australia. The Fair Work System on Norfolk Island. June 2018.
<https://www.fairwork.gov.au/ArticleDocuments/723/the-fair-work-system-on-norfolk-island.pdf.aspx>.

Norfolk Island

NO ADVANCEMENT

- 8 Government of Norfolk Island. Norfolk Island Employment Act 1988. Enacted: 1988.
<https://www.legislation.gov.au/Details/C2017Q00002>.
- 9 Government of Australia. The Criminal Code Act 1995. Enacted: 1995.
http://www.austlii.edu.au/au/legis/cth/consol_act/cca1995115/schl.html.
- 10 Government of Norfolk Island. Criminal Law Amendment Act 1993, Amending the Criminal Law Act 1960. Enacted: September 27, 1993. Source on file.
- 11 Government of Norfolk Island. Norfolk Island Criminal Code. Enacted: 2007.
<https://www.legislation.gov.au/Details/C2015Q00059>.
- 12 Government of Australia. Canberra Act 2600. Enacted: April 22, 2008. Source on file.
- 13 Government of Australia. Education Act. Enacted: 1990.
<http://www.legislation.nsw.gov.au/#!/view/act/1990/8/whole>.
- 14 Government of Australia. Norfolk Island Legislation Amendment Bill. Enacted: 2015.
http://parlinfo.aph.gov.au/parlInfo/download/legislation/billsdgs/3825871/upload_binary/3825871.pdf;fileType=application/pdf.
- 15 U.S. Embassy- Canberra. Reporting. January 13, 2015.
- 16 ILO. ILO Conventions and Recommendations on child labour.
<http://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang--en/index/htm>.
- 17 Government of Norfolk Island. Child Welfare Act 2009. September 29, 2018.
<https://www.legislation.gov.au/Details/C2018Q00071/78b9a480-f9e4-4a14-933c-78ee0c579026>.
- 18 Government of Australia. Australian Federal Police: Child Protection. Website, Accessed March 22, 2019.
<https://www.afp.gov.au/what-we-do/crime-types/child-protection>.
- 19 Australian Federal Police (AFP). AFP Child Protection Operations-Online Child Sex Exploitation. Website, Accessed March 22, 2019.
<https://www.afp.gov.au/what-we-do/crime-types/child-protection>.
- 20 Government of Australia. Parliamentary Joint Committee on Law Enforcement: An inquiry into human trafficking, slavery, and slavery-like practices. July 2017.
https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Law_Enforcement/Humantrafficking45/~/_media/Committees/le_ctte/Humantrafficking45/report.pdf.
- 21 Government of Australia. Department of Home Affairs: Criminal Justice. Website, Accessed June 12, 2019.
<https://www.homeaffairs.gov.au/about-us/our-portfolios/criminal-justice/people-smuggling-human-trafficking/human-trafficking>.
- 22 Government of Australia. National Action Plan to Combat Human Trafficking and Slavery 2015-2019. 2014.
<https://archive.homeaffairs.gov.au/crime/Documents/trafficking-national-action-plan-combat-human-trafficking-slavery-2015-19.pdf>.