

*In 2014, Norfolk 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 Norfolk Island, gaps exist in the legal framework to prevent children from involvement in the worst forms of child labor. 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




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

## II. LEGAL FRAMEWORK FOR 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 clearly stated to do so or if it is obvious from the legislation in question that it was intended to do so. The territory follows a combination of its own laws and some of the laws of Australia.(2)

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.(1, 3) The Norfolk Island 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	No		Norfolk Island Employment Act 1988 (4)
Minimum Age for Hazardous Work	No		Norfolk Island Employment Act 1988 (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, (applies to Norfolk Island); Crimes Legislation Amendment Act 2013 (5, 6)
Prohibition of Child Trafficking	Yes		Sections 271.2 through 271.7 of Australia's Commonwealth Criminal Code Act of 1995 (applies to Norfolk Island); Crimes Legislation Amendment Act 2013 (5, 6)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Section 270.6 of Australia's Commonwealth Criminal Code Act of 1995 (applies to Norfolk Island); Section 93N of the Criminal Code Amendment Act of 1993; Crimes Legislation Amendment Act 2013; and Part 3.10 of The Norfolk Island Criminal Code Act 2007 (5-8)
Prohibition of Using Children in Illicit Activities	Yes		Section 305 of The Norfolk Island Criminal Code Act 2007 (7)

# Norfolk 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 (9)
	Non-combat: Yes	17	
Compulsory Education Age	Yes	15	Section 16 (1) of the Norfolk Island Education Act (10)
Free Public Education	Yes		Section 14 (1) of the Norfolk Island Education Act (10)

\* No conscription(9)

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.(4) Children younger than age 15 may not work more than 20 hours a week, at night, or during school hours.(4) Parental consent and written agreement are required to employ persons younger than age 18.(11) 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.(12)

Section 93N of the Criminal Law Amendment Act of 1993 makes it illegal to employ a person younger than age 16 for the purposes of prostitution.(8) 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.(13-15)

In 2014, ministerial approval was received and draft legislation was being developed to introduce a number of child protection changes related to establishing a legal minimum age for employment, prohibiting children under age 18 from engaging in hazardous work, and protecting all children younger than age 18 from prostitution. This legislation is expected to be introduced to the Legislative Assembly in 2015.(1) 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.(12)
Australian Federal Police	Enforce criminal laws related to the worst forms of child labor.(11)
Australian Federal Police: Human Trafficking Teams	Investigate human trafficking for the purpose of transnational sexual and labor exploitation.(12)
Australian Federal Police: Child Protection Operations Team	Perform investigations and coordination role for multi-jurisdictional and international child sexual exploitation online, child sex tourism, and child pornography.(11, 16)

## 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.(3, 17)

**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 Norfolk Island (Table 5).

**Table 5. Suggested Government Actions to Prevent Child Labor, Including its Worst Forms**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Establish a legal minimum age for employment.	2010 – 2014
	Establish laws to prohibit children under age 18 from engaging in hazardous work.	2010 – 2014
	Amend the Criminal Law Amendment Act 1993 to protect all children younger than age 18 from prostitution.	2010 – 2014

**REFERENCES**

1. U.S. Embassy- Canberra. *reporting, January 13, 2015.*
2. 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> [source on file].
3. U.S. Embassy- Canberra. *reporting, January 17, 2014.*
4. Norfolk Island. *Norfolk Island Employment Act 1988*, enacted 1988. <http://norfolkisland.gov.nf/legislation/ConsolidatedActs/EmploymentAct1988.pdf>.
5. Government of Australia. *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013*, enacted March 8, 2013.
6. Government of Western Australia. *The Criminal Code Act 1995*, enacted 1995. [http://www.austlii.edu.au/au/legis/cth/consol\\_act/cca1995115/sch1.html](http://www.austlii.edu.au/au/legis/cth/consol_act/cca1995115/sch1.html).
7. Government of Norfolk Island. *Norfolk Island Criminal Code*, enacted 2007. <http://www.info.gov.nf/legislation/NumberedActs/2007/>.
8. Government of Norfolk Island. *Criminal Code Amendment Act 1993*, enacted September 27, 1993. <http://norfolkisland.gov.nf/legislation/Norfolk%20Island%20Legislation%20Pre%2017%20June%202015/NumberedActs/1993/>.
9. Government of Australia. *Canberra Act 2600*, enacted April 22, 2008. [source on file].
10. *Norfolk Island Education Act 1931*, enacted 1931. [https://www.google.com/?gws\\_rd=ssl#q=Norfolk+Island+education+Act+1931](https://www.google.com/?gws_rd=ssl#q=Norfolk+Island+education+Act+1931).
11. U.S. Embassy- Canberra. *reporting, February 11, 2011.*
12. U.S. Embassy- Canberra. *reporting, January 19, 2012.*
13. U.S. Embassy- Canberra official. E-mail communication to USDOL official. May 22, 2013.
14. Government of Norfolk Islands. *Norfolk Island Government Gazette*. Kingston; July 6, 2012. [www.info.gov.nf/gazette/2012/2012\\_07\\_06\\_Gazette%20No%2029.doc](http://www.info.gov.nf/gazette/2012/2012_07_06_Gazette%20No%2029.doc).
15. Government of Norfolk Island. *Child Welfare Act 2009*, enacted January 17, 2010. <http://norfolkisland.gov.nf/legislation/Norfolk%20Island%20Legislation%20Pre%2017%20June%202015/NumberedActs/2009/>.
16. Commonwealth of Australia. *AFP Child Protection Operations-Online Child Sex Exploitation*, Commonwealth of Australia, [online] March 6, 2014 [cited 2014]; <http://www.afp.gov.au/policing/child-protection-operations/online-exploitation.aspx>.
17. Commonwealth of Australia: Department of Social Services. *Australia's Anti-Human Trafficking Strategy*, [online] [cited March 6, 2014]; <http://www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/anti-human-trafficking-strategy>.