

For the 2020 reporting period, no assessment has been made regarding Christmas Island's efforts to advance the elimination of the worst forms of child labor because there is no evidence of a worst forms of child labor problem and the territory has a good legal and enforcement framework on child labor. Nevertheless, in 2020, the Government of Western Australia assented to the Work Health and Safety Act 2020, which will strengthen laws and regulations related to occupational safety and health on Christmas Island, including prohibitions on hazardous child labor. In addition, the Government of Australia adopted a new National Action Plan to Combat Human Trafficking and Slavery 2020–2025.




## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Research found no evidence that child labor exists on Christmas Island. (1)

## II. LEGAL FRAMEWORK FOR CHILD LABOR

Christmas Island is non-self governing and is included as part of the territory of the Australian Commonwealth. (2-4) Under the Acts Interpretation Act 1901 (Cth), all laws of the Commonwealth are applicable to Christmas Island as if it were a part of mainland Australia. (3,5) The following conventions, which have been ratified by Australia, have therefore been extended 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 laws and regulations related to child labor of the Commonwealth of Australia and the state of Western Australia (Table 2). The government's laws and regulations are in line with relevant international standards.

**Table 2. Laws and Regulations on Child Labor**

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	17.5	Section 190 of the Children and Community Services Act 2004 (WA) (CI); Section 29 of the School Education Act 1999 (WA) (CI) (6,7)
Minimum Age for Hazardous Work	Yes	18	Regulations 6.2, 6.6, and Schedule 6.3 of the Occupational Health and Safety Regulations 1996 (WA) (CI); Section 10.4 of the Mines Safety and Inspection Regulations 1995 (WA) (CI); Section 193 of the Children and Community Services Act 2004 (WA) (CI) (6,8,9)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Regulations 6.2, 6.6, and Schedule 6.3 of the Occupational Health and Safety Regulations (WA) (CI) 1996; Classes of Licenses for High Risk Work; Section 10.4 of the Mines Safety and Inspection Regulations 1995 (WA) (CI) (8-10)
Prohibition of Forced Labor	Yes		Sections 270.6 and 270.7 of the Criminal Code Act 1995 (Cth); Sections 270.6, 270.7, and 271.9 of the Crimes Legislation Amendment Act 2013 (Cth) (11,12)
Prohibition of Child Trafficking	Yes		Division 270 and 271 of the Criminal Code Act 1995 (Cth) (11)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 16–18 of the Prostitution Act 2000 (WA) (CI); Section 192 of the Children and Community Services Act 2004 (WA) (CI); Section 217 of the Criminal Code Act Compilation Act 1913 (WA) (CI) (6,13,14)

# Christmas Island

## NO ASSESSMENT

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

Standard	Meets International Standards	Age	Legislation
Prohibition of Using Children in Illicit Activities	Yes		Divisions 309–310 of the Criminal Code Act 1995 (Cth) (11)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Canberra Act 2600 (15)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		Canberra Act 2600 (15)
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Sections 268.68 and 268.88 of the Criminal Code Act 1995 (Cth) (11)
Compulsory Education Age	Yes	17.5	Section 6 of the School Education Act 1999 (WA) (CI) (7)
Free Public Education	Yes		Section 98 of the School Education Act 1999 (WA) (CI) (7)

\* No conscription (15)

In 2020, the Government of Western Australia assented to the Work Health and Safety Act 2020, which will strengthen laws and regulations related to occupational safety and health on Christmas Island, including prohibitions on hazardous child labor. This act will enter into force once the government finalizes implementing regulations, which are being drafted. (16,17)

On Christmas Island, the Children and Community Services Act 2004 (WA) (CI) sets the minimum age for light work in delivery-types of employment at age 10 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. (6,18) However, the government has noted that there are no delivery services, no post or letter boxes, and no newspaper on Christmas Island; as a result, there are no types of light work present on Christmas Island in which children under age 13 could engage. (4)

### III. ENFORCEMENT OF LAWS ON CHILD LABOR

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. However, the Government of Australia has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 3).

**Table 3. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Western Australia Department of Communities	Enforces laws related to the minimum age for work through a Service Delivery Arrangement, under which Australian Government services are provided on Christmas Island. (4,19)
Western Australia Department of Mines, Industry Regulation and Safety	Enforces laws related to hazardous child labor and occupational safety and health through a Service Delivery Arrangement under which Australian Government services are provided on Christmas Island. (4,19)
Australian Federal Police	Enforce criminal laws related to the worst forms of child labor. (20) Oversee the Child Protection Operations Team, which coordinates and investigates online and multi-jurisdictional child sexual exploitation issues, including child pornography; and the Human Trafficking Teams, which investigate human trafficking for the purposes of transnational sexual and labor exploitation. (21,22)

#### **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.

However, in 2020, one case involving a child subjected to use in the production of pornography on Christmas Island was prosecuted to conclusion, based on an investigation launched in 2019. The perpetrator was convicted and sentenced to 4 years and 4 months in prison under Sections 217(2), 218, and 220 of the Criminal Code Compilation Act 1913 (WA)(CI). (4,14)

#### IV. COORDINATION OF GOVERNMENT EFFORTS ON 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. However, 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
Inter-Departmental Committee on Human Trafficking (IDC)	Deals with child labor issues, including its worst forms, from a counter-trafficking perspective. Comprises 12 government agencies, including the Australian Federal Police, Department of Employment, and Department of Foreign Affairs, and is chaired by the Australian Border Force. (4,21) Includes an Operational Working Group subcommittee that meets monthly and refers emerging policy issues for IDC consideration. (4) In 2020, the IDC met twice in plenary sessions and held sub-group meetings at the operational level approximately every 6 weeks. The Committee's work during the reporting period focused on developing the updated National Action Plan to Combat Human Trafficking and Slavery 2020–2025. (4)

In June 2020, the Inter-Departmental Committee on Human Trafficking provided the Australian Government's first annual report to parliament on implementation of the Modern Slavery Act, which establishes requirements for businesses and organizations to report on efforts to reduce the risk of human trafficking and the worst forms of child labor in their supply chains. In December 2020, the government published its own Modern Slavery Statement, indicating efforts to reduce child labor and human trafficking risks in federal government operations and procurement supply chains. (4)

#### V. GOVERNMENT POLICIES ON CHILD LABOR

As there is no evidence of a problem, there appears to be no need for government policies to address child labor. However, 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 2020–2025†	Sets five strategic priorities for addressing modern slavery, which the National Action Plan defines as trafficking in persons, slavery, slavery-like practices, and the worst forms of child labor. Priorities include: (a) prevention; (b) disruption, investigation, and prosecution; (c) support and protection for victims; (d) partnerships; and (e) research. (4,26)

† Policy was approved 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.

However, federal cash transfer programs for youth and families are available to residents of Christmas Island. These programs were active in 2020 and may have assisted in preventing child labor on Christmas Island during the reporting period. (4)

#### VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, there are no actions needed to advance the continued prevention of child labor on Christmas Island.

# Christmas Island

## NO ASSESSMENT

### REFERENCES

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