

Although research found no evidence that child labor exists on Norfolk Island, in 2020, the government made moderate advancement in efforts to prevent the worst forms of child labor. The Government of Australia adopted a new National Action Plan to Combat Human Trafficking and Slavery 2020–2025. The federal government also published a Modern Slavery Statement that discussed efforts to reduce child labor and human trafficking risks in federal government operations and procurement supply chains. However, Norfolk Island's laws do not set a minimum age for light work, which is not in compliance with international standards. In addition, the law does not specify activities in which light work may be permitted.




I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

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

II. LEGAL FRAMEWORK FOR CHILD LABOR

Norfolk Island is non-self governing and is included as part of the territory of the Australian Commonwealth. (1-3) Under the Acts Interpretation Act 1901 (Cth), all laws of the Commonwealth are applicable to Norfolk Island as if it were a part of mainland Australia. (4) The following conventions, which have been ratified by Australia, have therefore been extended 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 subject to the laws and regulations related to child labor of the Commonwealth of Australia and some of the laws and regulations related to child labor of the state of New South Wales. Some laws specific to Norfolk Island also remain in force (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 light work.

Table 2. Laws and Regulations on Child Labor

| Standard | Meets International Standards | Age | Legislation |
|---|-------------------------------|-----|--|
| Minimum Age for Work | Yes | 15 | Article 24 of the Employment Act 1988 (NI) (5) |
| Minimum Age for Hazardous Work | Yes | 18 | Sections 85 and 89 of the Work Health and Safety Regulation 2017 (NSW) (NI); Schedule 9 of the Norfolk Island Applied Laws Ordinance 2016 (6,7) |
| Identification of Hazardous Occupations or Activities Prohibited for Children | Yes | | Sections 85 and 89 of the Work Health and Safety Regulation 2017 (NSW) (NI); Schedule 9 of the Norfolk Island Applied Laws Ordinance 2016; List of High Risk Work Licenses (6-8) |
| 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) (9,10) |
| Prohibition of Child Trafficking | Yes | | Divisions 270 and 271 of the Criminal Code Act 1995 (Cth) (9) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Article 122 of the Criminal Code 2007 (NI); Sections 91A–G of the Crimes Act 1900 (NSW) (NI) (11,12) |
| Prohibition of Using Children in Illicit Activities | Yes | | Divisions 309 and 310 of the Criminal Code Act 1995 (Cth); Sections 303–305 of the Criminal Code 2007 (NI) (9,11) |

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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 (13) |
| Prohibition of Compulsory Recruitment of Children by (State) Military | N/A* | | Canberra Act 2600 (13) |
| Prohibition of Military Recruitment by Non-state Armed Groups | Yes | | Sections 268.68 and 268.88 of the Criminal Code Act 1995 (Cth) (9) |
| Compulsory Education Age | Yes | 17 | Section 21(B) of the Education Act 1990 (NSW) (NI); Schedule 1AA of the Norfolk Island Applied Laws Ordinance 2016 (6,14) |
| Free Public Education | Yes | | Section 31 of the Education Act 1990 (NSW) (NI) (15) |

* No conscription (13)

The Education Act 1990 (NSW) (NI) defines the compulsory education age as 17, or the age at which a child completes Year 10 of compulsory schooling. The law restricts employment for children who have not yet completed compulsory schooling, and allows children under age 17 who have completed Year 10 to engage in approved employment. (5,14)

The Employment Act 1988 (NI) does not set a minimum age for light work, which is not in compliance with international standards. In addition, the law does not specify activities in which light work may be permitted. (5) However, local authorities have reported that no children under age 15 are currently employed in Norfolk Island. (1)

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. (1,5) |
| Child Welfare Officers | Enforce laws prohibiting commercial sexual exploitation of children. Provide outreach and establish community programs to raise awareness about commercial sexual exploitation of children. (16) |
| Australian Federal Police | Enforce criminal laws related to the worst forms of child labor. (1,17) 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. (18,19) |

Labor Law Enforcement

As there is no evidence of a problem, there appears to be no need for labor law 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 |
|---|--|
| Inter-Departmental Committee (IDC) on Human Trafficking | 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. (1,19) Includes an Operational Working Group subcommittee that meets monthly and refers emerging policy issues for IDC consideration. (1) 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. (1) |

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 that discussed efforts to reduce child labor and human trafficking risks in federal government operations and procurement supply chains. (1,20)

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. (1,21) |

† 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 Norfolk Island. These programs were active in 2020 and may have assisted in preventing child labor on Norfolk Island during the reporting period. (1)

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 | Establish a minimum age for light work to comply with international standards. | 2020 |
| | Ensure that the law's light work provisions specify the activities in which light work may be undertaken. | 2020 |

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