

Although research found no evidence that child labor exists on Christmas Island, in 2019 the government made a moderate advancement in efforts to prevent the worst forms of child labor. The Government of Australia enacted the Modern Slavery Act, which applies to Christmas Island, and took steps to begin consultations on a revised National Action Plan to Combat Human Trafficking and Slavery. Although Christmas Island made meaningful efforts in all relevant areas during the reporting period, laws related to child trafficking do not meet international standards because the recruitment, harboring, transfer, and receipt of children for forced labor and commercial sexual exploitation are not prohibited. In addition, 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.




### 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 included as part of the territory of the Australian Commonwealth, which provides for its defense. (1-3) 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 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). However, gaps exist in its legal framework to adequately protect children from child labor, including the prohibition of child trafficking.

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

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	15	Section 190 of the Western Australia Children and Community Services Act (5)
Minimum Age for Hazardous Work	Yes	18	Section 10.4 of the Western Australia Mines Safety and Inspection Regulations (6)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Section 10.4 of the Western Australia Mines Safety and Inspection Regulations (6)
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 (7,8)
Prohibition of Child Trafficking	No		Sections 271.1A, 271.4, and 271.7 of the Commonwealth Criminal Code Act of Australia (7)
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 (5,9)

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

Standard	Meets International Standards	Age	Legislation
Prohibition of Using Children in Illicit Activities	Yes		Sections 309–310 of the Commonwealth Criminal Code Act of Australia (7)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Canberra Act 2600 (10)
Prohibition of Compulsory Recruitment of Children by (State) Military	N/A*		Canberra Act 2600 (10)
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Sections 268.68 and 268.88 of the Commonwealth Criminal Code Act of Australia (7)
Compulsory Education Age	Yes	17.5	Section 6 of the Western Australia School Education Act (11)
Free Public Education	Yes		Section 98 of the Western Australia School Education Act (11)

\* No conscription (10)

On Christmas Island, the Government of Western Australia's Children and Community Services Act 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. (5,12) 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. Laws related to child trafficking are not sufficient because the recruitment, harboring, transfer, and receipt (domestically) of children for forced labor and commercial sexual exploitation are not clearly prohibited. (7)

In 2019, the Government of Australia passed the Modern Slavery Act of 2018, which requires that (a) any entity with revenue in excess of \$685,000 (\$100m AUD), and (b) is an Australian entity or an entity engaging in business in Australia at any time during a yearly reporting period; or (c) is an entity that has volunteered to comply with the Modern Slavery Act of 2018, must report via a modern slavery statement the entity's modern slavery risks, including the worst forms of child labor, within the entity's operations and supply chains; and actions taken by the entity to address aforementioned risks. (1,13,14)

### 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
Australian Federal Police, the Department of Immigration, and the Department of Regional Development	Enforce criminal laws related to the worst forms of child labor. (15) Oversee the Child Protection Operations Team, which coordinates and investigates online and multi-jurisdictional online 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. (16,17)
Australian Department of Child Protection of the Department of Communities	Issues orders to stop a child from working if there is a risk of harm. (18) Authorized to inspect for compliance all workplaces in which children are employed and to issue penalties. (19-21)

Western Australian WorkSafe Inspectors provide services on Christmas Island, 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 those for which there is a statutory restriction, to determine whether employers are in compliance with the Occupational Safety and Health Act. (1,22)

#### **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.

### 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	Deals with child labor issues, including its worst forms, from a human trafficking perspective. Comprises 11 government agencies, including the Australian Federal Police, Department of Employment, and Department of Foreign Affairs, and is chaired by the Department of Home Affairs. (1,16) This Committee was active in 2019 and met to discuss issues when they arose. The Committee also actively implemented the Modern Slavery Act of 2018. (1,23-25)

### 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 2015–2019	Outlined cooperation and participation by government and non-government entities to combat human trafficking and slavery, including commercial sexual exploitation of children. (26,27) This policy was in effect in 2019. (1,24)

In 2019, the Government of Australia took steps to begin consultations on a revised National Action Plan to Combat Human Trafficking and Slavery. (24,25,28)

### 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 on Christmas Island (Table 6).

**Table 6. Suggested Government Actions to Eliminate Child Labor**

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 – 2019
	Raise the minimum age for work to the age up to which education is compulsory.	2018 – 2019
	Ensure that the laws related to child trafficking clearly prohibit the recruitment, harboring, transfer, and receipt (domestically) of children for forced labor and commercial sexual exploitation.	2018 – 2019

### REFERENCES

- U.S. Embassy- Canberra. Reporting. January 15, 2020.
- Government of Christmas Island. Christmas Island Act. Enacted: 1958. <https://www.comlaw.gov.au/Series/C1958A00041>.
- Government of Australia. Acts Interpretation Act 1901. Enacted: July 12, 1901. <https://www.legislation.gov.au/Details/C2016C00531/Download>.
- 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 Western Australia. Children and Community Services Act 2004. Enacted: October 20, 2004. [http://www.austlii.edu.au/au/legis/wa/consol\\_act/cacsa2004318/](http://www.austlii.edu.au/au/legis/wa/consol_act/cacsa2004318/).
- Government of Western Australia. Mines Safety and Inspection Regulations 1995. Enacted: 1995. [https://www.legislation.wa.gov.au/legislation/statutes.nsf/main\\_mrtitle\\_1819\\_homepage.html](https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1819_homepage.html).
- Government of Australia. The Criminal Code Act 1995. Enacted: 1995. [http://www.austlii.edu.au/au/legis/cth/consol\\_act/ccal995115/schl.html](http://www.austlii.edu.au/au/legis/cth/consol_act/ccal995115/schl.html).

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## MODERATE ADVANCEMENT

- 8 Government of Australia. Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013. Enacted: March 8, 2013.  
<https://www.legislation.gov.au/Details/C2013A00006>.
- 9 Government of Western Australia. Prostitution Act 2000. Enacted: July 29, 2000.  
[http://www.austlii.edu.au/au/legis/wa/consol\\_act/pa2000205/](http://www.austlii.edu.au/au/legis/wa/consol_act/pa2000205/).
- 10 Government of Australia. Canberra Act 2600. Enacted: April 22, 2008. Source on file.
- 11 Government of Western Australia. School Education Act 1999. Enacted: 1999.  
[https://www.slp.wa.gov.au/legislation/statutes.nsf/main\\_mrtitle\\_878\\_homepage.html](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_878_homepage.html).
- 12 International Labour Organization. ILO Conventions and Recommendations on child labour.  
<http://www.ilo.org/ipecc/facts/ILOconventionsonchildlabour/lang--en/index/htm>.
- 13 Government of Australia. Modern Slavery Act 2018. Enacted: January 1, 2019. <https://www.legislation.gov.au/Details/C2018A00153>.
- 14 U.S. Embassy- Canberra. Reporting. February 21, 2020.
- 15 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>.
- 16 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](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Law_Enforcement/Humantrafficking45/~/_media/Committees/le_ctte/Humantrafficking45/report.pdf).
- 17 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>.
- 18 U.S. Embassy- Canberra. E-mail communication to USDOL official. June 10, 2019.
- 19 Government of Western Australia. Department of Communities. Accessed March 30, 2020.  
<https://www.dcp.wa.gov.au/Pages/Home.aspx>.
- 20 Government of Western Australia. Industrial Relations Act 1979. December 19, 2018.  
[https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc\\_41631.pdf/\\$FILE/Industrial Relations Act 1979 - \[15-c0-01\].pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_41631.pdf/$FILE/Industrial%20Relations%20Act%201979%20-%20%5B15-c0-01%5D.pdf?OpenElement).
- 21 Government of Western Australia. Children and Community Services Act 2004 Information Sheet. February 2009.  
[https://www.dcp.wa.gov.au/ChildProtection/Documents/Fact sheet - employment of children laws.pdf](https://www.dcp.wa.gov.au/ChildProtection/Documents/Fact%20sheet%20-%20employment%20of%20children%20laws.pdf).
- 22 Government of Western Australia. Department of Commerce. When an Inspector Calls. May 23, 2017.  
<https://www.commerce.wa.gov.au/worksafe/when-inspector-calls>.
- 23 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>.
- 24 U.S. Embassy- Canberra. E-mail communication to USDOL official. January 21, 2020.
- 25 U.S. Embassy- Canberra. E-mail communication to USDOL official. January 29, 2020.
- 26 U.S. Embassy- Canberra. Reporting. March 8, 2019.
- 27 Government of Australia. National Action Plan to Combat Human Trafficking and Slavery 2015–2019. 2014. Source on file.
- 28 Government of Australia. National Action Plan to Combat Modern Slavery 2020–2024: Public Consultation Paper. 2019.  
<https://www.homeaffairs.gov.au/reports-and-pubs/files/combating-modern-slavery-2020-24-consultation-paper.pdf>.