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The Uniting Church in Australia
Synod of Victoria and Tasmania
Justice and International Mission Unit

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5 November 2003

The Secretary
Joint Standing Committee on Treaties
R1-109
Parliament House
Canberra, ACT, 2600

Dear Secretary,

I am writing on behalf of the Justice and International Mission Unit, Synod of Victoria and Tasmania, to welcome moves towards Australia ratifying the *International Labour Organisation Convention No.182: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*.

We are deeply supportive of any action to eliminate incidents of exploitative or abusive child labour in Australia and overseas.

The Gospel calls on Christians to protect and care for children, a call which the Church has not always upheld but seeks to fulfil. The Old Testament teaches that exploiting workers and the poor is displeasing to God and we should not accept the benefit of someone else's exploitation. The Bible calls Christians to protect the vulnerable and to stand in solidarity with them.

We note that ILO Convention 182 has been ratified by 144 of the 177 ILO member States and that Australia is the only western industrialised country that has not ratified the Convention.

We remain concerned that a number of States and Territories in Australia have insufficient legislation to guarantee compliance with ILO Convention 182 in the areas of Article 3(b) and 3(d). We are concerned that in a number of States it remains legal for children under the age of 18 to be employed and subjected to harm, abuse or exploitation in the pornographic and live sex performance industry. Such employment is clearly forbidden by Article 3(b) of ILO Convention 182 and we believe such employment harms the morals of children and as such is a violation of Article 3(d). We are particularly concerned about the position of the ACT Government on this matter. We have raised the matter directly with the Victorian and Tasmanian Governments.

The Victorian Department of Justice has replied on behalf of the Victorian Attorney General acknowledging that children below 18 are not completely protected by law from being exploited through pornography or live sex performances. It is an offence to procure a child under the age of 18 for the purposes of making or producing child pornography. Also some live sex performances may be classed as acts of prostitution under the *Prostitution Control Act 1994*. It is an offence under Victorian law to cause or induce a child to take part in an act of prostitution. It is also an offence for an occupier or manager of premises to allow children under 18 to enter or remain on the premises for the purposes of taking part in an act of prostitution.

We note that section s 128 of the Tasmanian Criminal Code does not cover older children performing in pornographic movies and performances. The *Classification (Publications, Films and Computer Games) Enforcement Act 1995* ss 73 deals with offences of procuring a child to make a child abuse product, but only defines a "child" as one who is aged under 16 years. We note that s

128 of the Criminal Code provides for the offence of procurement, but may not cover the situation where the employer has not recruited the child. It might cover the situation where the employer offered a large sum of money to the child, but relying on such a provision is not satisfactory.

We urge the Commonwealth Government to take all possible action to encourage and persuade State and Territory Governments to introduce legislation that will guarantee complete compliance with the Convention so that Australia can ratify the Convention.

Yours sincerely,

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