

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

**2006-2007 BUDGET SENATE ESTIMATES HEARING
29th AND 30th MAY 2006
EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO**

QUESTION ON NOTICE

Outcome 2: Higher productivity, higher pay workplace

Output Group 2.1: Workplace relations policy and analysis

Output 2.1.1: Workplace relations policy advice

Question Number: W238-07

Question:

Senator Carr asked in writing:

Did DEWR inform you that, at a meeting of the Workplace Relations Ministers' Council held on 23 March 2003, the Commonwealth and all State and Territory Ministers supported the Convention [International Labour Organisation Convention 182, *Worst Forms of Child Labour (1999)*] and agreed to provide formal commitment to achieve compliance with it?

- a. Was Norfolk Island represented at that meeting of the Workplace Ministers?
- b. Was its agreement sought? If not, why not? Why is Norfolk Island excluded from the process gone through with the other Territories and the States?

Answer:

This question was referred to the Department of Employment and Workplace Relations from the Department of Transport and Regional Services.

- a. No. The Government of Norfolk Island is not a member of the Workplace Relations Ministers' Council.
- b. No. It is not necessary to seek the agreement of the Government of Norfolk Island prior to ratification of ILO Conventions. Under the ILO Constitution, Norfolk Island has the status a "non-metropolitan territory", due to the fact that, unlike the ACT and Northern Territory, Norfolk Island currently has a range of legislative powers which are normally reserved to the Commonwealth. This means that the application of ILO Conventions to Norfolk Island is subject to a special process which is set out in the ILO Constitution.

That special process obliges member States, as soon as possible after a Convention is ratified, to bring the Convention to the notice of governments of its non-metropolitan territories; following which the member State, in agreement with the government(s) of those territories, is to advise the ILO (by means of a Declaration) how the Convention is to be implemented in those territories. Declarations may indicate that the Convention is “applicable”, “not applicable” or “applicable with modification” to non-metropolitan territories. Declarations may also be varied from time to time if circumstances within a territory change.

Declarations are required for each non-metropolitan territory in relation to each ILO Convention ratified by Australia. The Australian Government consults with the Government of Norfolk Island before making its declarations, and will do so in relation to Convention 182 once the Convention has been ratified.