

# *The statutory regulation of child labour in Queensland*

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## **ABSTRACT**

Child labour is an important international issue in both developing and developed countries. In Australia, child labour is growing. In response to this development, Australian governments in a number of states have reviewed child labour laws in recent years. In this paper we examine the state of child labour legislation in Queensland. We argue that labour legislation in Queensland is somewhat piecemeal, overlapping and in need of reform. We conclude that a far better approach would be to either enact separate legislation to cover all aspects of children's employment or at least to enact a schedule to either the *Child Protection Act* or the *Industrial Relations Act* that lists the various provisions enacted for the protection of children and couple this with appropriate codes of practice for certain industries.

## **Introduction**

Child labour is a significant international issue. In the past, international attention has focused almost exclusively on the problems of child labour in developing countries (ILO 1973 and 2004, Mendelievich 1979, Suvarchala 1992). This trend gained momentum in the 1990s, with the recognition of the resurgence and importance of child labour for those countries (Dorman 2001, Basu 1999). However, it is a myth to think that child labour in developed countries has been eliminated (Piotrkowski and Carruba, 1999: 131). Wealthy nations like Britain, the United States and the Netherlands engage a higher proportion of children below 16 years in regular work than do India, Kenya, Brazil and Thailand (Lieten and White, 2001:2). This startling fact has led the Australian Children's Rights News to conclude that, 'within one decade, child labour has graduated from a non-issue to centre-stage in international social concerns' (*Australian Children's Rights News* 2001: 1).

International research indicates that child labour is an important social problem. Children are particularly vulnerable in the labour market and face a range of unique hazards to their health and wellbeing. Employment can interfere with a child's education and socialisation (Hyndman 1990, Kristoffel 2001, Ryle & Hughes 1998). Perhaps the most important issue associated with child labour is the problem of health and safety. Workplaces that are safe for adults are not necessarily safe for children and young people. Equipment and tools designed for adults may not protect children. Children are particularly vulnerable in the workplace as their incomplete physical development makes them especially susceptible to exposure to chemical and biological hazards and musculoskeletal disorders associated with weight-bearing activity. Psychological development issues also make them susceptible to injury due to poor risk assessment, vulnerability to peer or work pressure and poor judgment (Castillo, 1999). Children experience further vulnerability as they are mostly employed in temporary jobs where they generally receive less health and safety training than do full-time workers. Moreover, children in temporary jobs are also less likely to have their interest represented by trade unions (Brosnan and Loudon, 2004).

In most developed countries, child labour is regulated – to some extent. In the UK, all children who work need to obtain a work permit from a local authority, signed by an educationalist and a doctor (Lavalette, 1999). In the USA, child labour is regulated by the Fair Labour Standards Act, which prohibits some forms of work and regulates others (Whittaker, 2004). In most countries in continental Europe, children and school students are prohibited from working – although much illegal work does take place. Japan also has similar restrictions on child labour as apply in Europe and North America (Hobbs, McKechnie and Lavalette, (1999).

Child labour is also a significant issue in Australia. A growing proportion of children and young people are engaging in work. No longer are children and young people just involved in traditional jobs around the home, child minding, and paper rounds but substantial numbers are working in casual and even part-time jobs in the service sector.

The 2001 Victorian report into child labour estimated that the participation rates of 15-year-olds had increased from 10 to 39 percent between 1972 and 2001 (Victorian Government 2001). In Queensland, for instance, almost half of all school children in 2004 were engaged in paid labour- up from a third in 1987 (Commission for Children and Young People and Child Guardian, 2004:9).

Most Australian states have recently updated their systems of regulating child labour. (Fenwick 2003, Parkinson 2001). Queensland is currently doing this, as there is little legal protection for children. Victoria regulates child labour through a permit system. In South Australia, the Industrial Relations Commission, through the award system, is empowered to protect children's interests at work. In Western Australia, children under 15 years are prohibited from employment, with minor exceptions. In NSW, children are excluded from some occupations and a permit system operates in the entertainment and related industries. Queensland is significantly behind the other states in employment protections for children and has perhaps the weakest and most ineffective system of child labour regulation on the main land.

The aim of this paper is to examine the state of the statute law regulating child labour law in Queensland. Such research is vital as there is little research into the legal regulation of this highly vulnerable segment of the labour market in Australia. While there is some research into Australia's international obligations towards children by Creighton (1996 and 2001) and Dabscheck (1998), such research is restricted in its focus and does not address the actual state of legal regulation of child labour in Australia. This topic is also timely, as governments in several states including Queensland, have initiated reviews of child labour in recent times (Commission for Children and Young People and Child Guardian, 2004; Victorian Government, 2001). This paper is divided into two substantive segments- a review of the legislation relating to the employment of children in Queensland and a discussion of the implications of the present legislative framework.

### ***Legislation relating to the employment of children in Queensland***

Legislation relating to the employment of children in Queensland may be classified into two major categories and a number of sub-categories. The two major categories are – provisions regarding the general welfare of children and by implication, their employment and specific employment legislation applying to children. Provisions regarding the general welfare of children include legislation covering education and work experience and anti-crime provisions. The specific employment legislation includes the *Industrial Relations Act 1999* (Qld), legislation relating to the training and apprenticeship of young persons and age restrictions legislation for entry into certain occupations.

The major feature of this legislation is its piecemeal and uneven nature. This makes it difficult to enforce and even harder for young persons and parents to be acquainted with their rights and obligations. It also means that employers and potential employers may be unaware of their obligations towards young workers. This may put young workers at risk as well as leaving employers liable for breaches of their statutory duties.

### ***Provisions regarding the general welfare of children and, by implication, their employment***

Historically, under the *Children's Services Act 1965* - repealed in 1999 - children were restricted from occupations or activities that exposed them to moral or physical danger. A permit system was used for children employed in entertainment-related activities involved in television, photography, modeling, public performances, or sporting events. The department responsible for the families' portfolio administered the Act. We are currently researching the operation and effectiveness of this Act but our preliminary research indicates that it was largely ineffective. This Act was replaced in 1999 by the *Child Protection Act*.

The *Child Protection Act 1999* is the central piece of general legislation relating to the protection and welfare of children in Queensland and hence has a major albeit implicit impact on child employment. It has been enacted to implement the United Nations *Convention on the Rights of the Child*. Interestingly, this new legislation does not include any specific provisions related

to child employment and instead places the responsibility for child welfare explicitly with the parents or guardians of children. Thus the legislation emphasises the primary role of families in protecting children.

A 'child' is defined as 'an individual under 18 years' (s. 8) and includes a 'young person' where the young person is under 18. It also clarifies the meaning of the term 'harm' to a child as being 'any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused'. Thus the harm may be the result of abuse or neglect of a child, or the result of exploitation including perhaps exploitation by a parent or guardian who is also an employer. (s. 9).

A Court must find a child 'in need of protection' before making a child protection order in relation to a child. A 'child in need of protection' is one who has suffered harm, or is at unacceptable risk of suffering harm; and 'does not have a parent able and willing to protect it'. The alleged harm to a child may be investigated and certain orders made under the Act (s. 10 and s. 14). The intention of the words 'does not have a parent able and willing to protect the child from harm' is to limit the circumstances when the State can remove children from the custody and guardianship of their parents. If the child's protection can be achieved by the parents (possibly with help from the State), an order for the State to assume guardianship of the child will generally not be made.

The definition also includes situations where the risk of harm is caused by the child's own actions or someone outside the home- which once again could include an employer. Risk of harm includes circumstances where no harm has yet occurred but is likely to occur if no action is taken to protect the child. This may include circumstances where past evidence relating to other children indicates risk to the current child. We would envisage that this provision would cover situations where the child is being lured, perhaps with money or other inducements, to participate in illegal or immoral activities at the behest of criminals.

**EDUCATION AND WORK EXPERIENCE LEGISLATION:** Since 1875, Queensland has had compulsory schooling, which has restricted labour market involvement of young people. Under the current *Education (General Provisions) Act 1989*, young people are required to continue their schooling until they are 15 years old (s. 2). Under s. 119 the onus is placed on a parent not to employ or cause or permit to be employed during the school hours a child of compulsory school age unless there is in existence a dispensation granted in accordance with s. 115(1)<sup>1</sup>. This would cover situations where the parent engages in home-based work and the child assists. Because of these limitations on the employment of school-aged children during school hours, under regulation 114 of the *Education (General Provisions) Regulation 2000* an authorised entity in a non-government school and the chief executive officer of a government school may approve employment for a student, instead of participation in the institution's educational programs.

Further, children can be exempted from compulsory schooling for work experience. Work experience programs are regarded as being part of the educational experience of the child but nevertheless are strictly controlled. Under s. 6 of the *Education (Work Experience) Act 1996* an educational establishment may make work experience arrangements for its students with a 'work experience provider' under which the person will provide experience to the student as part of the student's education. Such a work experience arrangement has to be no more than 30 days duration in a school year, must be made prior to the student commencing the work and must be approved by the student's parent (s.12). Under s.10, a student on work experience is taken not to be the employee of the work experience provider and a law prohibiting employment or regulating working conditions does not apply to work experience. Thus while students may labour in jobs to gain work experience, they are not entitled to wages and other basic job entitlements. Work experience students do have some protections as the *Workplace Health and Safety Act 1995* still applies to them as well as any law that prohibits the employment, or regulates the working conditions, of persons who do not have particular qualifications. Interestingly, while compulsory schooling does require students to attend school during school hours, there are no restrictions placed on the amount of hours that children can work outside school hours.

**ANTI-CRIME PROVISIONS RELATING IMPLICITLY TO THE EMPLOYMENT OF CHILDREN:** The *Criminal Code 1899* contains a large number of provisions relating to the protection of children. The *Code* prohibits the indecent treatment of children (s. 210); the procuring of children for immoral purposes (s. 219) the use of children for obscene acts and publications (s. 228) In relation to most of these sections a child is defined as a person less than 16 years of age- this being the age of consent. However there are clear implications in the rest of the legislation (see below) concerning the responsibilities of persons over 16 in relation to sexual offences involving minors.

The *Code* also has extensive provisions against the prostitution of minors. Section 229G makes procuring a person to engage in prostitution an offence. Under subsection (2) a maximum penalty of 14 years imprisonment may be imposed upon the person if the procured person is not an adult (this means a person below the age of 18 years). Under s. 229H a person who knowingly participates in the provision of prostitution by another person commits a crime. Under subsection (2) a higher penalty is imposed upon the offender if the person engaged in the provision of prostitution is not an adult. And finally, s. 229K prohibits a person who is not an adult from being on premises providing prostitution.

Section 286 (1) of the *Code* also imposes a wide duty on every person who has care of a child under 16 years to take the precautions that are reasonable in all the circumstances to avoid danger to the child's life, health or safety; and take reasonable action to remove the child from such danger. Whether a child is helpless or not, if the person omits to perform that duty they may be held to have caused the consequences that result to the life and health of the child. A 'person who has care of a child' includes a parent, foster parent, step-parent, guardian or other adult in charge of the child, whether or not the person has lawful custody of the child. We would maintain that an employer might well be included as an 'adult in charge of a child' in certain circumstances.

Specific legislative provisions also exist with regards to adult entertainment and pornography involving children. Section 155AA of the *Liquor Act 1992* (Qld) prohibits minors (those under 16 years) from being in adult entertainment areas of licensed premises and specifically prohibits them from performing such entertainment. However the Act exempts minors who may be otherwise employed on licensed premises, or who are receiving training for employment, or work experience and even allows them to handle liquor (s.155 (4)(b)). Protection against children's involvement in pornographic films and photographs exists in the *Classification of Films Act 1991* (s. 43) and the *Classification of Publications Act 1991* (s. 18). Both of these sections prohibit the procuring of children for the production of pornographic material. The *Classification of Computer Games and Images Act 1995* prohibits the use of children for the making or production of objectionable video games (s. 28). All of these enactments clearly prohibit the employment of children for these activities and in this context a child is defined as a person under the age of 18 years. The legislation though goes further in that it targets images of persons under 16 years or those 'who look like' persons under the age of 16 years (s. 3 of all three Acts).

### **(B) Employment legislation applying to children**

**HEALTH AND SAFETY LEGISLATIONS:** Until recently, children were offered a number of protections under health and safety legislation. The old health and safety legislative regime originated from the 1891 Royal Commission into shops, factories and workshops, which found evidence of serious child labour abuse at work (Report of The Royal Commission, 1891). Following the British model, the Queensland factories and shops legislation provided a number of protections for children. For example, under the *Factories and Shops Act 1960*, there were prohibitions on children working in factories and shops and cap of maximum working hours. Children were also offered some protections under the *Inspection of Machinery Act 1915*, which prohibited children working with various types of machinery. With the introduction of Roben-inspired legislation in the 1980s and 1990s, all child-specific regulations were removed from the current legislation in the *Workplace Health and Safety Act 1995*. Admittedly, the new legislation covers everyone at a workplace whereas the old legislation did not do this or cover ever workplace. However the specific protections afforded to children have gone. This means there is no allowance for the especially vulnerable position of children in the workplace. There is, of course, information dealing with the safety and health of young people at work (based on a Western Australia publication) and an

extensive data-base (in fact a certificate course) to inform students of the importance of health and safety in the workplace and their rights and obligations. We would conclude that although there were many problems with the old proscriptive factories and shops type legislation (Bohle and Quinlan, 2000), at least it did include some specific protections for children. Current OHS legislation offers no such protections.

**INDUSTRIAL RELATIONS LEGISLATION:** The other main legislation regulating children at work is under the industrial relations legislation. The *Industrial Relations Act 1999* (Qld) regulates the employment of ‘young persons’ apprentices and trainees and overlaps to an extent with students subject to the *Vocational Education, Training and Employment Act 2000*.

The *Industrial Relations Act 1999* makes the regulation of the employment of young persons (those under 21 years) an ‘industrial matter’ under s.7 – they being defined as employees under s.5 (when it is read in conjunction with s.275- see below), along with apprentices. Furthermore under s.128 (2) and (3) of the Act, wage rates fixed by the Commission under an award for young persons may be fixed on a progressive scale based on the wage rates payable to employees 21 years or over in the same calling. But in making such an award the Commission must consider the age and experience of persons under 21 years. These provisions apply to young persons other than apprentices or a persons subject to the *Vocational Education, Training and Employment Act 2000*.

Apprentices and trainees though are covered under s. 136 and s.137 of the *Industrial Relations Act 1999*. Under s.137 the commission may make an order fixing minimum wages and employment conditions for apprentices or trainees whether or not they are employed under an industrial instrument (which includes an award or agreement under the Commonwealth Act). In making such an order, the commission may consider the age, competency, or method of progression through training of the apprentices or trainees.

In terms of vocational placements of students (as defined by the *Vocational Education, Training and Employment Act 2000*), under s. 140A the Commission may make an order fixing remuneration and conditions that apply to a student working for more than 240 hours a year. In making an order, the commission may consider the objectives of the vocational placement scheme; attributes of students including age, competency, and any disabilities; the kind of work to be done and experience to be gained; any relevant industrial instrument; and any remuneration or benefit the students are receiving from the Commonwealth or the State. The Commission may make such orders at the initiative of any party interested in the vocational placement of young people. This includes the Training Recognition Council, an organisation, or the Minister.

The Act also recognises the vulnerability of young persons in terms of their capacity to understand their contractual rights. Under s. 275 the Full Bench of the Commission may on the application of an organisation, State peak council or the Minister declare a class of persons to be employed under a contract of service rather than a contract for services. In so doing they must take into account the interests of disadvantaged groups, which includes young persons. This enables young persons potentially to receive a higher level of legislative protection. Likewise under s. 156 (1) the Commission must not certify a Certified Agreement unless, it is satisfied the terms of the agreement were explained in a way that was appropriate, having regard to a young persons’ particular circumstances and developmental needs under s. 202. Queensland Workplace Agreements (QWA) cannot be made with employees under 18 years (s.192(4)). Despite this, under s. 203 the commission in determining whether a QWA is not contrary to the public interest, prior to approving it, may consider the particular circumstances and needs of young persons, including apprentices, trainees and outworkers (s.203(6)(c)). Finally inspectors in enforcing the provisions of the Act must have particular regard to the interests of young people (s.351).

As a final point, two provisions relate to the payment of wages of young persons. Under s.398 minors are specifically allowed to recover amounts of underpaid wages as if they were 18 years. But under s.701 (3) if in a calling, under a relevant industrial instrument or under a general ruling for the Queensland minimum wage, an employee’s wages depend among other things, on the employee’s age, the employee must not give false information, when seeking employment, or while so employed. Clearly the aim of this provision is to protect the rights of employers against unscrupulous young people.

Finally, since certified agreements or industrial awards of the Commission are equivalent in legal status to statutory instruments we included them in our study. We searched the Queensland Department of Industrial Relations web database for clauses relating to children. We recorded some 450 odd 'hits' using 'children' as the search term. We then randomly examined approximately 150 of these instruments. We found only three types of clauses related to children and youth. First, many awards and agreements contained a schedule of junior wages. Second, in a very limited number of cases, there were specific clauses, which stated that, '[n]o junior other than an apprentice shall be employed in callings to which an apprenticeship applies' (Hotel, Resorts and Accommodation Industry Award – South-Eastern Division 2002). These clauses replicate the effect of the *Vocational Education, Training and Employment Act 2000*, discussed below. Third, we located a very small number of instances where there were clauses that fixed the ratio of adults to juniors or prohibited juniors from working alone (Tab Agents Association Enterprise Bargaining Certified Agreement, 1998). It is likely that the absence of specific clauses relating to children and youth is due to the award simplification and restructuring process of the 1980s and 1990s. We concluded therefore that the current Queensland award and agreement system offers few specific protections for children.

**LEGISLATION RELATING TO THE TRAINING AND APPRENTICESHIP OF YOUNG PERSONS:** Queensland has a long history of legislation pertaining to apprentices such as the *Apprentices and Minors Acts 1929* and earlier statutes going back to the NSW *Apprentices Act* of 1828, which applied to the District of Moreton Bay. This type of legislation offered young people some protection in particular callings as youth were assumed to be inexperienced workers and in need of supervised training and mentoring over some years. The current *Vocational Education, Training and Employment Act 2000* (Qld) is the modern version of the older apprenticeship laws. It aims to establish a system to provide for vocational education and training in Queensland. Under s. 89 the council may declare an occupation a restricted calling and thereby restrict anyone under the age of 21 years from being employed in that calling unless they complete a qualification or are employed as an apprentice under a registered training contract. A person does not contravene this section if the person provides a young person with a vocational placement under chapter 4, part 2.

Interestingly, though under s. 114 a law, to the extent it prohibits or regulates the employment of a person, does not apply to a vocational placement agreement. However, this exemption is modified so as not to exclude the *Anti-Discrimination Act 1991*; laws with age or sex restrictions; or laws that stipulate a qualification or registration in order to do the work.

**AGE RESTRICTIONS LEGISLATION FOR ENTRY INTO CERTAIN OCCUPATIONS.:** A number of Acts impose age restrictions for entry into certain occupations. These may be divided into Acts that are concerned about protecting the health and safety of minors and Acts that may be broadly categorised as concerned with persons having a certain level of maturity because of the responsibilities attached to an occupation- particularly the handling of money.

The first category includes for example mining and explosives legislation. Thus under s. 272 of the *Coal Mining Safety and Health Act 1999* the site senior executive for a coal mine must ensure that a person under the age of 16 does not work as an underground coal mine worker. Similar provisions apply under the *Mining and Quarrying Safety and Health Act 1999*, to mines, other than coal mines (s. 250). Likewise under s. 36 of the *Explosives Regulation 2003* in order to obtain a fireworks contractor's licence, the chief inspector must be reasonably satisfied that the person is 21 years or more; and considering other specified circumstances, is an appropriate person for the issue of the licence.

The second category includes legislation controlling the licensing of casino operators, pawnbrokers, second hand dealers, and charity collectors. Under s. 34 of the *Casino Control Act 1982* a person cannot work as a casino 'key' employee (who must also be licensed) or a casino employee, unless they are 18 years or more. Similarly under the *Second-hand Dealers and Pawnbrokers Act 2003* a person must not carry on a business of dealing in second-hand property or act as a market operator unless the person is a licensed second-hand dealer and over 18 years (s. 7). And a pawnbroker must not employ a person under 17 years to take property as

a pawn (s. 67). Finally under the *Collections Act 1966* s17 schedule 1 of the regulations and s. 22 of the *Collections Regulation 1998* children under 15 must not act as collectors without the previous written consent of 1 of the child's parents or guardians and, if the consent is given, the child must be accompanied by an adult when collecting money. (5). Similarly, under the *Criminal Code (Animal Valuers) Regulation 1999* for a person to be eligible to be appointed as an animal valuer he /she must be an adult.

### **Discussion**

The foregoing review of statutory regulation of child labour in Queensland reveals a large patchwork of provisions that overlap and are unclear as to the extent of their operation. This probably makes State enforcement difficult, potentially haphazard, costly and most likely ineffective. It makes it difficult for young persons to know, let alone understand, their rights and obligations and difficult for adults to advise them and protect them. In all probability, it also makes it hard for employers to know their obligations towards young persons and under what statutory provisions they would be accountable (YWAS 2004: 19).

Further, the levels of specific protection for children appear to us to be weak. Some protections, which applied to children under the old health and safety legislation and the *Children Services Act 1965*, are no longer in operation. Even with the provisions, which currently cover children, it is unclear how effectively these are being enforced. Given the high degree of participation of young people in the labour market, we believe that the laws pertaining to them are most likely ineffective.

A more systematic approach to the regulation of children at work needs to be taken to bring Queensland into line with other States. A single Act covering child employment is warranted. Given that Queensland has tried and abandoned a permit system, we would not think that such a system would be feasible. It would almost certainly prove to be highly bureaucratic and resource intensive. Having said that, we also believe that the system of child labour protections should be comprehensive and not exempt or provide fewer controls for small business or the primary sector. All employers have a responsibility to protect children at work. All employers need to be covered by the legislation as research indicates that children and adolescent workers have a higher risk of occupational injury and illnesses, especially in family businesses, on farms and in the informal sector of the economy (Mayhew, 1998 and 2004).

In terms of the detail of any child employment statute, we would recommend the following. Firstly, there needs to be a clear definition of what is meant by a 'child' for employment purposes. Such a provision could also set down a classification according to age for the purposes of employment (see our third recommendation). Second, the main aim of any legislation should be clearly specified. There needs to be statutory recognition that the welfare of children at work is primarily the responsibility of the employer. The responsibilities of parents should also be specified. Third, there needs to be a basic safety net of provisions that protect children including a minimum age of employment, maximum weekly hours of work (for instance, 10 hours maximum during school periods and 30 hours during holiday periods), maximum span of hours without a break (say three hours) and prohibitions on night work between 9.00pm and 6.00am. Fourth, there should be specific prohibitions for work in occupations or industries that expose children to obvious moral or physical danger or harmful chemicals, substances or processes. This would also include a prohibition on jobs where children lack the maturation skills to adequately and safely perform the work. Finally, there should be specific provisions requiring employers to provide suitable supervision and training for children at work.

Alternatively and as a minimum, we envisage that the present problems with the statutory controls on child labour could be overcome with the enactment of a Child Employment Schedule to the *Industrial Relations Act* or the *Child Protection Act 1999* that lists the various provisions enacted for the protection of children and the various agencies charged with their enforcement. As part to this process, the various sections relating to child employment could be revised to avoid duplication and to properly update and modernise the law in this area. This Schedule could be combined with codes of practice developed for the main industries and occupations where children and young people work. These could target specific problem areas of children's employment and outline the main responsibilities of employers to protect the interests of children at work.

Whichever of the two models is adopted, however, there needs to be a clearly specified enforcement regime. We would recommend that responsibility for enforcement be placed with the industrial inspectorate of the Department of Industrial Relations because it is ideally suited to administering and protecting children's interests at work. The inspectorate is highly experienced, has a professional cadre of inspectors making regular workplace visits and has the expertise to deal with a wide range of work-related issues. It can, as the need arises, refer serious matters of child employment abuse to parents, the police, or other agencies as required. While the creation of a new Child Employment Inspectorate attached to the Commission for Children, Young People and the Child Guardian is equally feasible, we believe that such an option would lead to unnecessary duplication. Once again, though we would maintain that whichever enforcement system is adopted, it needs to be supported by a suitable advertising and educational campaign, in order to make a major impact in alleviating community concern about child employment. In this regard, a youth employment policy unit located in either the Department of Industrial Relations or the Commission for Children and charged with policy making and community education, would greatly assist this process.

### **Conclusion**

Child labour is an important international issue both in Australia and overseas. The incidence of child labour is growing and more research needs to be directed to this important topic. In response to this development, Australian governments in a number of states have reviewed child labour laws in recent years. In this paper we examined the statutory regime relating child labour in Queensland. We argued that child labour legislation is piecemeal, probably ineffective and clearly in need of reform. The Commission for Children, Young People and Child Guardian is currently reviewing child labour in Queensland. It is hoped that the outcome of such a review will improve the Queensland system of child employment protections and bring Queensland in line with other mainland States. We conclude that an effective system would entail separate legislation to cover all aspects of children's employment. At a minimum though, the enactment of a schedule to either the *Child Protection Act* or the *Industrial Relations Act* that lists the various provisions for the protection of children, supported by targeted industry codes of practice, is overdue.

1. Under section 115, the chief executive may grant to a parent of a child of compulsory school age dispensation from compliance with compulsory enrolment and attendance provisions (8.00am to 4.00pm of a school day) for a specified period of time

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