

PITCAIRN, HENDERSON

DUCIE & OENO ISLANDS

No 003 of 2014

Victoria



LOCAL GOVERNMENT (AMENDMENT) REGULATIONS 2014

Made by the Island Council under s 7 of the Local Government Ordinance

Date: 08 MAY 2014

Date Published: 26 MAY 2014

These Regulations are made to amend the definition of 'child' and remove gendered references in the Local Government Regulations, to bring Pitcairn Law into line with international conventions

Short title and commencement

1. These Regulations may be cited as the Local Government Amendment Regulations 2014 and come into force the day after they are published.

Principal regulations amended

2. These Regulations amend the Local Government Regulations.

Interpretation

3. Subpart B of Part I of the Local Government Regulations is amended by:

- (a) In the definition of "child", repealing the number "15" and replacing it with the number "18";
- (b) Repealing the definition of "woman".

Visits to ships by children

4. In Part VI, Subpart D, Regulation 3 is amended by—

- (a) inserting the phrase "under the age of 16" after the word "child" and before the words "may visit any overseas ship"; and
- (b) omitting the words "males of the age of 13 and 14 years" and substituting the phrase "children of or above the age of 13 years".

## **LEGAL REPORT**

This amendment brings the Local Government Regulations into compliance with both the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Abolition of the Worst Forms Of Child Labour (ILO 182).

### **ILO 182**

The ILO 182 Convention requires signatories to protect children from certain forms of child labour. In Pitcairn, this is achieved in part through Part V of the Local Government Regulations, which requires Council to monitor the conditions in which children perform paid or unpaid work (r 8). However, currently under the Local Government Regulations, a child is defined as a person under the age of 15, whereas ILO 182 defines child as a person under the age of 18. Therefore under Pitcairn law, children between 15 and 18 are currently not receiving the protection required by ILO 182.

This amendment therefore amends the definition of “child” to include all persons under the age of 18, so that the protections provided by Part V apply to all these children.

### **CEDAW**

In 2010, Subpart D of Part VI of the Regulations was amended to remove a prohibition on women visiting overseas ships calling at Pitcairn, leaving just a prohibition on children. However, the Regulations allow an exception to this prohibition for boys who wish to visit ships for the purpose of instruction in the manning of the public boats, provided they are over the age of 13, have the consent of the Mayor, and it is done outside of school hours. There is no equivalent exception for girls. This amounts to discrimination against women within CEDAW.

For this reason, regulation 4 of this amendment replaces the exception with a gender neutral exception, allowing girls the same opportunity as boys to visit ships for the purpose of instruction in the manning of the public boats. It also specifies that the ban applies only to children under the age of 16 and not to all children under the new definition of ‘child’ (under 18). This ensures that the prohibition only captures school-aged children.

Regulation 3 merely removes the definition of “woman” as this is no longer used in the Regulations.