

Media Release

Pentecostal Preacher raided by Border Force for helping “Runaway Slaves” 6 August 2021

Last Thursday, 22 July 2021, Pentecostal preacher, Geoff Smith and his Indigenous wife, Jane’s Bundaberg home, was raided by nine (9) Border Force “Troopers”, seven (7) of whom remained on their premises. They presented a warrant, recording the Commonwealth’s suspicion that Smith had records which implicated him with named others, in the commission of offences under the *Migration Act*, namely, that he “referred or continues to refer unlawful non-citizens for work” or “referred or continues to refer lawful non-citizens for work, in breach of a work-related condition”.

On conviction, the charges, under Sub-section 245AE and 245AEA of the *Migration Act*, each carries a maximum sentence of two (2) years’ imprisonment.

Sydney Human Rights Lawyer, Stewart Levitt of Levitt Robinson, said that the investigation of Geoff Smith and his wife, was redolent of the *U.S. Fugitive Slave Act (1850)*, which required law enforcement officials everywhere in the States to arrest any person aiding a runaway slave or providing food or shelter. On conviction, a person rendering assistance was liable to six months’ imprisonment and a \$1,000.00 fine. One thousand dollars in 1850, is worth \$35,000.00 today.

Stewart Levitt claimed, “*The Border Force raid on the Smiths is part of the Federal Government’s restoration of the one hundred and twenty year-old practice of blackbirding, under its Seasonal Workers’ Program*”. Bundaberg Mayor, Jack Dempsey, last week referred to blackbirding as “*forcing indentured labour into Queensland cane fields*”, which he considered was “*equivalent to slavery and abhorrent*”.

Levitt said that the Mayor’s apology for historical blackbirding last week was premature because the exploitation which he abhorred is once more rife in the Wide Bay-Burnett Region of Queensland’s Central Coast (and elsewhere throughout regional Australia). “*There must always be a relationship based on respect, courtesy, fairness and trust*”, Mayor Dempsey said, referring to the Seasonal Workers’ Program and local industries which rely on voluntary Seasonal Labour.

Covid-19 and the UK Free Trade Agreement have increased demand for South Sea Island Workers, the largest number of whom come from Vanuatu but who also hail from Fiji, Samoa, Tonga and Timor L’Este.

Levitt and his firm, Levitt Robinson, have been actively engaged in fact-finding over the past 9 months, in contact with advocates for victims of the Seasonal Workers’ Program. Far from being a farmworker’s El Dorado, Pacific Island workers are faced with conditions in Australia which resemble a refugee transit camp.

Seasonal workers should be paid under the Federal Horticultural Award but labour hire firms literally “cherry pick” those parts of the Award that they like and ignore the rest, to the detriment of the worker. The Fair Work Commission is ineffectual in confronting the scale of the infractions – which is too great for the FWC to cope. “*There is a pandemic of worker abuse, which is spreading like the Delta Virus*”, according to Stewart Levitt.

Levitt has numerous pay slips evidencing that Vanuatu workers who have earned \$925.00 per week gross “*on paper*” and are only subject to a 15% tax rate, are left with just around \$200.00 to survive, after extortionate sums have been deducted by the labour hire firms for over-crowded dormitory-style accommodation. The workers are even charged \$14.20 per week each for water for their eskies!

Farm employers who do not fully participate in ripping off South Sea Workers are left with higher overheads than their competitors. “*There is literally a race to the bottom, intensified by the ramping up of the Season Workers’ Program by the Federal Government*” according to Levitt.

Providers of accommodation are getting between 500% and 1000% of their normal return by cramming islanders into base back-packer-style accommodation and charging them four-star hotel rates. For the indentured labourers who live there, “*The only stars are in the sky*” Levitt commented.

Justice Michael Jarratt deciding the “*Bani*” case in the Federal Circuit Court in 2017, referred to the “*appalling treatment*” that twenty-two Seasonal Workers from Vanuatu had had to endure, bussed into the Bundaberg region to work sporadically on farms.

One of the Backpackers Hostels was referred to by workers as “*The Cell Block*”, Justice Jaratt observed, in ordering compensation to be paid to the Seasonal workers though noting that they were unlikely to ever receive the money that his Honour had ordered that they be paid.

According to Levitt, “*The Federal Government which gave us Manus Island and whose predecessors of the same stripe, The Tampa, are now pursuing preacher Smith and his good wife, Jane*”.

Why? Because Vanuatu labourers who could no longer endure the working and living conditions to which they were being subjected in Australia, sought placement in a more humane environment. Decent people of goodwill, like the Smiths, tried hard to assist them in finding other approved employers under the Seasonal Workers’ Program, albeit necessarily short-circuiting the cumbersome requirements attached to the workers’ visas issued under the Program. Otherwise, the farm labourers would have had little to eat, nowhere to sleep and be forced back into the inhumane conditions from which they had escaped, during the weeks that the Department would have taken to process the change of employer.

Levitt decried the silence of the Pacific Island Governments whose workers here are being subjected to indentured bondage under the Seasonal Workers’ Program.

He added: “*Australia must stop using foreign aid and the implied threat of withholding it, to manipulate our Pacific Island neighbours and as a means of extorting their silence, when we subjugate their citizens here*”.

According to information which Levitt has received, even island workers trying to remit their salary back home are being fleeced on the exchange rate and fees.

Levitt called for Homeland Security and Immigration to back off and cease harassing and hounding people, who are working to make the application of Australia's laws more humane. He also said: *"Federal and State Labor must immediately move in Parliament to shore-up protections for Seasonal Workers throughout Australia. Labor should not only stand up for workers who are permanent residents and citizens but for exploited workers in Australia, irrespective of their origins"*.

Attached are copies of the following:

1. Warrant to Search Premises issued by a Queensland Magistrate in Bundaberg on 21 July 2021;
2. Search of Premises: Rights of the Occupier, Migration Act 1958; and
3. Seized Property List from Australia Border Force dated 22 July 2021 provided by Warrant, Holder Stuart McCallum.

Roughly thirteen thousand Seasonal Workers are currently estimated to be in Australia from across the Pacific with the greatest number coming from Vanuatu. Demand has never been higher.

For further details, call Stewart Levitt on _____ or _____ or for further information, call Dana Levitt on _____ or _____