

# Australia is not a corporation, it's a corporate state

*You won't change bad laws by pretending they aren't legitimate.*

When the federal government rushed the *Financial Sector Legislation Amendment (Crisis Resolution Powers and Other Measures) Act 2018* through the Senate on St Valentine's Day with only eight Senators present in the chamber and no formal division vote, just "on the voices", Australians were naturally shocked. "How could it be legal?" many asked. Some scrambled to look up the rules of Parliament that defined a quorum—the minimum number of Senators required to make Senate proceedings legal. The question everyone wanted to know was whether this bad law was legitimate? Self-described Constitutional experts contacted the Citizens Party insisting that the way it passed meant the law was indeed illegitimate. They were wrong.

There is a body of Constitutional theory that is premised on the belief that most Australian laws have no legitimacy. A former practitioner, Robert Sudy, who sincerely tried, and failed, to use the theory in court cases, calls it pseudo-legal. This constitutional theory makes specific claims about Australian law, but actually it's based on earlier American pseudo-legal theories mainly related to the illegitimacy of the Internal Revenue Service (IRS), America's tax office. The illegitimacy of taxes and charges is a common theme throughout the theory.

The common claims of this pseudo-legal theory include:

- Australia is a corporation registered with the US Securities and Investments Commission (SEC)—Queensland is also a SEC-registered corporation, under the name Brigalow Corporation;
- The current Commonwealth Constitution is not legitimate, at least since 1973 when Labor Prime Minister Gough Whitlam changed the Queen's title to Queen of Australia;
- Local government in Australia is unconstitutional, as Australians voted in two referenda against recognising local government in the Commonwealth Constitution—therefore local council rates and fines are not legitimate and don't need to be paid;
- Every Australian is actually two people, our natural human selves and a separate legal, or juridical, personality, known as a "strawman", which is supposedly created by our birth certificate—our strawman is under the authority of the government corporation, but not our natural person, a.k.a. our "freeman";
- And many, many more (Robert Sudy has a comprehensive list on his website <https://freemandelusion.com/>).

## Not a corporation

The misconception that Australia is a corporation arises from the fact that the Australian government is registered on the United States' Securities and Exchange Commission (SEC). It is related to an earlier misconception that all of the Queensland government was under the control of the Brigalow Corporation. The truth is more mundane. The Brigalow Corporation was a corporate entity created by the Queensland government in 1992 for the purpose of overseeing the Brigalow Lands Development Scheme; the chief executive of the Department of Lands was the sole person who comprised the corporation. Likewise, Australia registered a corporation with the US SEC for the sole purpose of being able to sell Australian government securities in US markets; all foreign governments which sell bonds and other securities in the US markets are required to register. Australia registered with the SEC in 2008 when the Rudd government guaranteed the foreign borrowings of Australia's banks, which required deeds of guarantee that could be accepted in US markets.

## Queen of Australia

In 1973 the Whitlam Labor government passed the Royal Style and Titles Act 1973 to update the Queen's title to "Queen of Australia", and to remove the title "Defender of the Faith" as there is no established church in Australia. For all intents and purposes these were symbolic changes, not material, and didn't require a referendum. Multiple subsequent court cases in which parties have argued these amendments made the Constitution invalid have rejected the argument.

## Local government constitutionality

The belief that local government in Australia is unconstitutional is a misunderstanding of the consequences of two failed referenda in 1974 and 1988 that sought to recognise local government in the Commonwealth Constitution. Because the Australian people voted down the proposal both times, pseudo-legal theory has concluded that local government is therefore unconstitutional. For that belief, it follows that Australians are not obliged to pay council rates or parking fines. No such luck. The Commonwealth Constitution defines the powers of the federal government; any power not specified as a Commonwealth power is a power of the states. As local government comes under the authority of state governments, the two failed referenda simply meant that local councils remained under state authority.

## Strawman/freeman

The strawman/freeman belief is purely an invention, or as Sudy calls it, a delusion. The claim is each person is actually two personalities, a natural personality and a legal personality. The legal personality is created by our birth certificate, which registers us as assets of the government corporation registered with the SEC. Official documents refer to our legal personality, a.k.a. our strawman, by printing our names in all-capital letters. Our natural, birth personality however is our freeman, which we can claim by not writing our name in all-capital letters. There are too many misconceptions in this belief to refute one by one; suffice to say that none of this pseudo-legal theory has held up under proper court scrutiny. For instance, a birth certificate doesn't change legal status—if a baby is murdered before it has a birth certificate, it is still murder under the law.

## **Corporate state**

Many Australians are attracted to this pseudo-legal theory because it offers an explanation, and seemingly a solution, to bad laws. Australia has many bad laws, especially the laws that have subjugated Australians to an expanding police-state apparatus, while elevating the power of corporations above governments. These laws are rightly called fascist; in fascist Italy, Mussolini said fascism could also be called corporatism, or the corporate state. Australia is increasingly a corporate state, but the bad laws that have brought this about are real laws. We won't change them by pretending they aren't legitimate, or that we aren't bound by them; we'll only change them by overturning or stopping them through the Parliamentary process.

*By Robert Barwick, Australian Alert Service, 9 September 2020*

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