

**The 50th Annual MLAANZ Conference
NAARM/MELBOURNE
3 September 2025**

Frank Stuart Dethridge Memorial Address

ADMIRALTY THROUGH THE LOOKING GLASS

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Tuia te rangi e tū nei.

Tuia te papa e takoto nei.

Tuia te Moana-nui-a-Kiwa e awahi nei.

Tuia te muka tangata e hono nei i a tātou katoa.

E mihi ki te Iwi taketake o te whenua nei, te Iwi Kulin e hapu Wurundjeri o rātau matua tūpuna o ināhahi, i te rangi nei, āpōpō.

*Tēnā koutou, tēnā koutou, tēnā tātou katoa.*¹

1 Harbingers of Doom

It is an incredible honour to be invited to deliver the Frank Stuart Dethridge Memorial Address in Naarm at this, the 50th Annual Federal Conference of the Maritime Law Association of Australia and New Zealand.

I must confess that feeling honoured was not exactly my initial emotional reaction. Harbingers of doom can come in many unexpected shapes and forms. It could easily be the Australian Prime Minister rushing forward to give the New Zealand Prime Minister a hongi after the latter has spent the last year and a half busily dismantling as many Māori legal rights as he can in Aotearoa.² It could also be an invitation to a succulent lunch in rural Victoria.³ In my case, the harbinger of doom was Matthew Harvey KC's dulcet tones down a telephone line inviting me to give this Address.⁴

My initial reaction was that this was obviously one of Matthew's practical jokes. That gave way, fairly swiftly, to a feeling of indignation — surely, I wasn't nearly old or dull enough to be chosen to deliver a Dethridge Memorial

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¹ "Weave together the sky above.

Weave together the land beneath.

Weave together the Ocean that embraces.

Weave together the human thread that connects us all.

Greetings to the Indigenous people of this land, the Kulin Nation, the Wurundjeri people, and their ancestral elders of yesterday, today, and tomorrow.

Greetings to you, greetings to you, greetings to us all."

² "To Hug or to Hongi? Albanese Goes in for a Hongi, Luxon for a Hug", *Stuff*, 11 August 2025:

<https://www.stuff.co.nz/politics/360787462/hug-or-hongi-albanese-goes-hongi-luxon-hug>; "The Spinoff Guide to Life: How to Perform a Hongi", *Spinoff*, 12 August 2025: <https://thespinoff.co.nz/atea/12-08-2025/the-spinoff-guide-to-life-how-to-perform-a-hongi>.

³ *R v Patterson (Sentence)* [2025] VSC 557 (8 September 2025); Binoy Kampmark, "Death by Fungi: Cashing in on Erin Patterson" [2025] *CounterPunch* 1; Rick Sarre and Ben Livings, "There are now Two Appeals in the Erin Patterson Mushroom Murder Case. What's going on?" *The Conversation*, 6 October 2025: <https://theconversation.com/there-are-now-two-appeals-in-the-erin-patterson-mushroom-murder-case-whats-going-on-266796>.

⁴ See <https://matthewharveykc.com/>. Other international arbitrators and mediators are also available.

Address? This objection was quickly quashed by Matthew, who reminded me that truth and honest opinion are defences to defamation claims in Victoria.⁵ When I later protested that I was nowhere near distinguished enough, and would certainly never be made a Titular Member of the Comité Maritime International,⁶ not least because of my ongoing blasphemies against the Beijing Convention,⁷ my good friend Frazer Hunt⁸ kindly reassured me that I was “easily the biggest Tit he’d ever met”. So, here we are then.

2 The Dethridge: Some Statistics

Given that it is our 50th Conference, I thought that it would be appropriate to begin by briefly surveying the verdant pastures of Dethridges past. This is, of course, not the 50th Dethridge Memorial Address. Frank Stuart Dethridge, the first President of MLAANZ, sadly passed away two years after the Association was founded.⁹ While maritime lawyers are perhaps sometimes known for their bluntness, it would have been very rude indeed to have started memorialising Frank while he was still alive.

By my reckoning, we have had more or less 46 Dethridges — things became a little blurred over Covid. The first 20 Dethridges were collected and edited into two paper volumes — the first volume by my then colleague at Victoria University of Wellington, Bill (now Judge) Hastings,¹⁰ and the second volume by me.¹¹ When dusting them down and going through them in preparation for this Address, I discovered to my horror that page 159 of my volume is blank, and with it goes some of the pearls of wisdom in beloved Justice Cooper’s 1996 Dethridge Memorial Address.¹² In the quarter century since this book was published and distributed to MLAANZ members, no-one has ever brought this issue up — either my copy was the only dud, or it was perhaps less of a page-turner than we had hoped for. These Dethridge collections are utterly priceless historical artefacts — I know this, because when I tried to sell them to my local second-hand bookshop, they said they wouldn’t take them at any price. In more recent years, of course, the Dethridge Memorial Addresses have been published in the *MLAANZ Journal*, now known as the *Australian and New Zealand Maritime Law Journal*, which has been expertly edited by Professor Kate Lewins (Murdoch University), and now Professor Craig Forrest (University of Queensland), to both of whom we owe an incredible debt for their tireless and expert services to our Association.¹³

The bulk of Dethridge speakers have predictably come from either Australia or New Zealand, with the former providing the quantity, and, I would like to think, the latter providing the quality. We have also had a few presenters from the “Mother Country”, the Asia-Pacific region, and one outlier from Grenada — I will offer a chocolate fish prize for anyone who can tell me afterwards who that was.¹⁴

⁵ *Defamation Act 2005* (Victoria), ss 25, 26, 31.

⁶ See <https://comitemaritime.org/members/titulary-members/>.

⁷ Paul Myburgh, “International Recognition of Judicial Ship Sales: English Common Law and the Beijing Convention” (2022) 28 *Journal of International Maritime Law* 410; Paul Myburgh, “The Anglo-Common Law Approach to Foreign Judicial Ship Sales and the Beijing Convention” in Rhidian Thomas (ed), *The Beijing Convention on the Judicial Sale of Ships* (Informa Law from Routledge, 2025) 95.

⁸ See https://www.mlaanz.org/uploads/1/3/9/4/139416176/mlaanzsep2025-frazerhuntq_a.pdf.

⁹ See <https://www.mlaanz.org/history.html>.

¹⁰ See <https://natlib.govt.nz/records/21927024>.

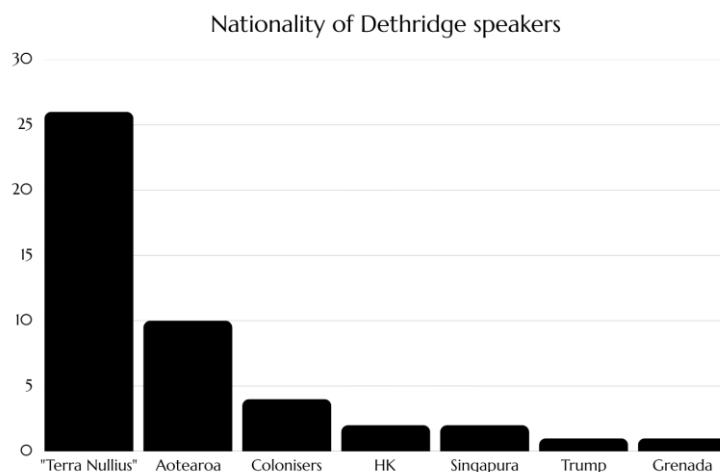
¹¹ See <https://natlib.govt.nz/records/21680181>.

¹² Richard Cooper, “Between a Rock and a Hard Place: Illegitimate Pressure in Commercial Negotiations” (1997) 12 *MLAANZ Journal* 1.

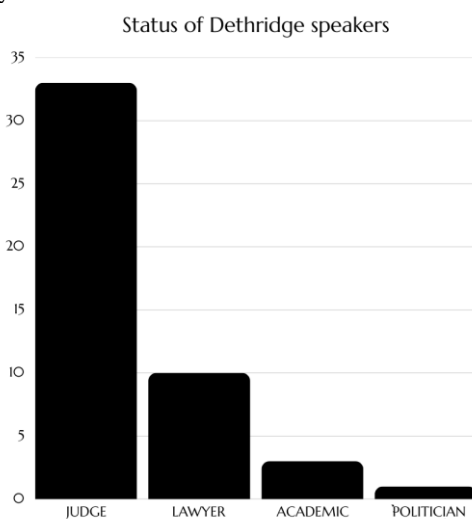
¹³ See <https://maritime.law.uq.edu.au/index.php/anzmlj>.

¹⁴ No-one sought, or was granted, the prize. Dolliver Nelson from Grenada, then the President of the International Tribunal for the Law of the Sea (ITLOS), was unable to present his Dethridge Memorial Address in 2003 on the *Volga* Case in person. It was delivered on his behalf by Richard Cooper J.

Dethridge Address: Admiralty Through the Looking Glass



In terms of professional status, the Dethridge speakers provide a judicial embarrassment of riches, and a surfeit of senior practising lawyers, with only a small smattering of academics, which, needless to say, adds to the crushing weight of my imposter syndrome.



The most telling statistic is perhaps the last.



I always knew that the Dethridge was a bit of a sausage fest, but even I was rather surprised and disappointed by this stark gender disparity. I fully appreciate the irony of my raising this issue while slapping yet another snag on the barbie, as I believe the Australian idiom has it, but just a thought — surely not all future Dethridge Memorial Address presenters need to look like Frank? In order to assist our Association, I have therefore compiled a brief,

incomplete, but hopefully useful, list of women. After all, they were invented some considerable time ago, and have long since left the kitchen.¹⁵

When surveying the contents and topics of previous Dethridge Memorial Addresses, it becomes clear that they fall into two main categories — an erudite discussion of some incredibly arcane aspect of maritime law, which can, on occasion, prove slightly indigestible and soporific before morning tea (who amongst us has not nodded off quietly at the back of the room to the soundtrack of a particularly arid Dethridge?), or else what may (no doubt uncharitably) be described as My Brilliant Career. Vanity immediately drew me to the latter category, despite the seemingly insurmountable hurdles represented by the two words “brilliant” and “career”. I will try to aim for a blend of the two categories. My only defence for this self-indulgence is that this is our 50th Conference, which invites a certain retrospection and nostalgia.

3 Admiralty in Wonderland

In the immortal words of Leonard Cohen, perhaps “I was born like this, I had no choice”¹⁶ but to become an admiralty lawyer. About a decade ago, Hugh Williams J alerted me to the fact that I had an admiralty ancestor and namesake.¹⁷ I had no idea that he even existed. Myburgh QC flourished at the English Admiralty Bar in the late 1800s, appearing in at least a dozen leading admiralty cases against the likes of Sir William Phillimore (also known as the lesser of the two Phillimores). I am delighted to report that he even won some of his cases.¹⁸ Sadly, neither his wealth nor his title trickled down the family tree to me.

There were other early salty signs pointing to an admiralty career — I was born and spent my early (unformative) years in a rather grungy part of Durban bluff, within cooe of what is today the Durban container terminal.¹⁹ All of that seaside fun came to an abrupt halt, however, when my father, a civil servant, was transferred to Pretoria (now Tshwane Metropolitan Municipality), which is about as far as you can possibly get away from the sea. For those of you fortunate enough never to have gone near this ghastly place, you need to think of a rather unpleasant mixture of Alice Springs and Christchurch. When it was time to go to University, I had budding aspirations of a career in drama or literature. My father, however, very much adhered to the Asian school of parenting, and explained to me that since I was useless at maths I could not be an engineer; and since I was squeamish and fainted at the sight of blood, I could not be a doctor. I would therefore study law, and that was the end of the matter.

I loathed law and spent most of my time hiding in the Latin Department,²⁰ who were warmly welcoming and suitably eccentric. They provided me with the intellectual foundation and inspiration to become an academic. After graduating with BLC and LLB degrees, I proceeded to enrol in an LLM — again, not out of any particular devotion to the law, but rather to avoid the clutches of compulsory conscription into the South African apartheid army.²¹

And then a miracle happened. A new LLM seminar was offered in Maritime Law. I had no idea what this entailed, but grabbed it with both hands as the least offensive and boring option. I was instantly smitten, and I still am, over four decades later.²²

Graduating with an LLM degree meant that my time was up as far as the apartheid army was concerned. It was 1987, and the height of the civil war in the South African townships. I was an Assistant Lecturer at the University of South Africa. Well over half of my students were Black, and many were heavily involved on what I considered the right side of the struggle. From time to time, every academic might fantasise about strangling a particularly annoying student, but in all conscience, I could absolutely not contemplate having to shoot any of mine.

¹⁵ My preliminary list included Lorna Anderson, Belinda Ang Saw Ean J, Vivian Ang, Jane Andrewartha, Rosalie Balkin, Sara Cockerill J, Pauline Davies, Cleopatra Doumbia-Henry, Stacey Fraser, Johanne Gauthier J, Elizabeth Gloster J, Dr Rosemary Gordon, Elizabeth Heneghan J, Naraya Lamart, Prof Kate Lewins, Vanessa Ma, Dr Pat Saraceni, Jennifer Sutton, Michelle Taylor, and Kerry Webster. Any of these wonderful women would be eminently more qualified than I am to deliver a Dethridge Memorial Address.

¹⁶ “Tower of Song”. *I’m your Man*, verse 3 (1988).

¹⁷ See *OOO DV Ryboprodukt v UAB Garant* [2008] NZCA 136, [2008] 3 NZLR 326 referring to *The Christiansborg* (1885) 10 PD 141 (CA), in which Myburgh QC acted for the defendants.

¹⁸ Perhaps most notably *The Heinrich Bjorn* (1885) 10 PD 44 (CA).

¹⁹ See https://www.transnetportterminals.net/ports/pages/durban_container.aspx.

²⁰ See <https://www.up.ac.za/ancient-modern-languages-cultures/article/2911034/ancient-latin>.

²¹ See <https://sahistory.org.za/article/end-conscription-campaign-ecc>.

²² Our prescribed textbook (which I still have) was Clare Dillon and JP van Niekerk, *South African Maritime Law and Marine Insurance: Selected Topics* (Butterworths 1983).

Dethridge Address: Admiralty Through the Looking Glass

And so I ended up on the “chicken run” to Aotearoa, where I was appointed as a Lecturer at Victoria University of Wellington. I was desperate to teach maritime law, and was allowed by the then Dean to run an Honours seminar in 1989 to see how it went. This was, I believe, the second maritime law course ever offered in Aotearoa.²³ Because I was then an unknown quantity, I was required to co-teach the seminar with Colin Carruthers, a Wellington barrister. In hindsight, we must have made for a very odd couple. Colin made good at the end of the seminar when we provided the students with the customary wine and pizza lunch. I brought along a few typically cheap Domino’s pizzas, and expected a bottle or two of plonk from Colin. However, he delivered a large case of incredibly superior French wines, appropriate to his barristerial stipend. The students and I were suitably impressed and grateful.

Around about this time too, the lovely Tom Broadmore invited me out for a coffee.²⁴ He’d heard about this weird salty Japie, and enquired diplomatically who the hell I was, and what I was doing so far away from home. “You should join MLAANZ”, he said. “We’re all very busy practitioners and could use some helpful academics.” I naturally took up his kind invitation, and thus was introduced to the thermal wonders of Wairakei, chosen for the venue of the New Zealand branch meetings because it was halfway between Auckland and Wellington, and perhaps did not smell quite as bad as Rotorua. The New Zealand branch meetings were legendary, particularly for the intensive and interminable “networking” that went on in the conference bar until the small hours of the morning. I suspect that the unofficial strategy was to spend at least 80% of New Zealand members’ subscriptions on the bar tab to avoid having to hand any money over to “the Feds”.

It was also around about this time that I had my first “admiralty in wonderland” experience. By then, I’d published a few bits and bobs on admiralty law. I tried to make all my academic publications available to a general audience on the internet. This may have been a rookie error. One day I received a telephone call out of the blue. I remember that the woman on the other end announced herself imperiously as Diana. Looking back on it now, I suspect that she may well have thought that she was actually *the* Princess Diana. After reeling me in with flattery — academics are never paid in real money, so must make do with any scraps of kindness and attention that we may receive from the general public — she went in for the kill, with a very long delusional diatribe on how the New Zealand courts had been secretly replaced with Admiralty courts, and what was I, specifically, going to do about this? I chalked it up to the unsettling effects of the Wellington wind and earthquakes and moved on.

However, over subsequent years, it became increasingly apparent to me that there were many other Dianas out there, and that having a public profile as an admiralty lawyer provided a bit of a magnet for emails, phone calls, and occasionally physical interactions that ranged from the quixotic and amusing²⁵ to the downright disturbing. These encounters predictably peaked during the Covid lockdown when I was teaching in Singapore. Although I am not entirely ungrateful that someone other than me is at least intensely interested in admiralty law, rather gallingly, the pseudo law admiralty consultation enquiries have far outnumbered the genuine ones. And the pseudo ones, unfortunately, never pay.

²³ Mark Perkins ran a seminar on maritime law at Victoria University of Wellington in 1984. The seminar papers were published in 1986. They included a paper by CF Finlayson (later Attorney-General and Minister for Treaty of Waitangi Negotiations) on “Shipboard Torts and the Conflict of Laws” (1986) 16 *Victoria University of Wellington Law Review* 119.

²⁴ See Tom Broadmore’s 2009 Dethridge Memorial Address, “International Law and National Law Enforcement — A Regional Example. Sentencing for Fisheries Offending in the New Zealand District Court” (2010) 24 *Australian and New Zealand Maritime Law Journal* 1.

²⁵ See eg email received on 14 September 2013 (on file with the author):

“Dear Paul,

I came across an article written by you in regards to Admiralty Law and personification. While I am not a Lawyer, I am particularly interested in trying to clear up some controversies which have arisen in my life in respect of those in the so-called Freeman Movement. The use of the term Strawman, whereby some people think that ‘government’ owns them as a ‘voluntary’ slave due certain processes at birth. I understand that your article alluded to the fact that those in the USA take personification “literally” and “seriously”. So the story of the strawman may have originated in the USA as a misunderstanding of those seeking answers to the ‘power’ of government over themselves. Your article spoke to me in volumes in this matter, particularly the US supreme Court case. The wording seemed to resonate with me in respect of how those in the Freedom Movement describe this ‘control’ over themselves. Even the use of the word ‘Fiction’ may have been taken out of context.

I am English and moved here 4 years ago. I was introduced to the idea of strawman (which I think has been mentioned in the House of Lords) about 3 years ago. it does not sit comfortably with me, but I do not want to dismiss something because I do not understand its origins. Do you know of any other documents I can learn from to clear up the ‘fog’ between what governments role is in respect of me as a man living in NZ. I am concerned that there is no clarity in any form of Constitution, whereby, the people are the ultimate law and government represents Their Will. I have contacted the governor Generals Office to request what is the Constitution. The guy informed me to get 3 books and several papers. This is just ridiculous!!!

I know a guy who told me that the birth certificate ‘ownership’ of us all under admiralty law was under common Law and has been papered over by statute law. When he asked questions he got a call from the Diplomatic Protection Squad, he claimed.

I am sorry if this email is a bit jumbled, I hope you get my drift and can point me in the right direction. From this I can hopefully understand my position as a Man living in New Zealand, know my rights particularly in respect of Real and Personal Property. And not be subordinated to something that has a hidden control over me, that I (or more correctly my mother or father) voluntarily agreed to when my birth was registered. This letter is not a joke!!!”

Over the years, I've become more and more intrigued by my pseudo law admiralty "fans". Who are they? What makes them tick? Why admiralty law?

3.1 Sovereign Citizens and Pseudo Law

There is now a burgeoning body of international academic literature analysing pseudo law and so-called sovereign citizen movements. Sovereign citizen movements began far earlier than is generally appreciated, with their origins in 1950s US anti-tax movements aimed against the US federal government.²⁶ They have grown and spread exponentially over the decades, and are now to be found in almost every jurisdiction — even in cohesive, communitarian, and highly regulated societies like Singapore, which I must confess I found rather surprising.²⁷ Academic researchers have even found sovereign citizens in Namibia.²⁸ Although they are lumped together as a broad category, they are completely disparate groups, and appear to be motivated by an incredibly broad range of ideologies and concerns, from both the far right to the far left.²⁹ They also range from relatively harmless grumblers to murderers and terrorists, as so tragically illustrated by the very recent murders of two police officers not too far from here.³⁰ Pseudo lawyers have been characterised as employing an eclectic ragbag of arguments based on “magical thinking” and insider specialist knowledge.

Much like us “real” lawyers then? Unlike real lawyers, however, pseudo lawyers see themselves very much as outsiders, discriminated against by corrupt courts.³¹ The main motivation behind pseudo law is to argue that these courts lack jurisdiction over the chosen few who have the tools and inside knowledge to see through them. One of their main analytical devices, as I have discovered over the last thirty years or so, is a persistent invocation of core admiralty law concepts.

3.2 Flags

We maritime lawyers are utterly obsessed with flags.³² The notion of the Flag State underpins a lot of the international law of the sea.³³ We have good flags, bad flags, and flags of (in)convenience — an issue ably navigated by John Gresson in last year's Dethridge Memorial Address.³⁴ Not flying the correct flag is a criminal offence.³⁵ Flying no flag, or more than one flag, is a no-no.³⁶ We talk colloquially about nailing our colours to the mast. Conceptually, the flag is the ultimate symbol of the State, and in the first great wave of maritime globalisation and internationalisation, it became the symbolic means to extend State and commercial power beyond the constraints of land via the fiction of the “floating island”.³⁷ Small wonder, then, that flags have become a pivotal focus for sovereign citizens.

²⁶ Including the Posse Comitatus, Christian identity adherents, patriot movements/militia, and anti-Federalist Groups: see Christine M Sarteschi, *Sovereign Citizens: A Psychological and Criminological Analysis* (Springer 2020) 3-5; Glen Cash, “A Kind of Magic: Pseudolaw in Australia” in Harry Hobbs, Stephen Young, Joe McIntyre (eds), *Pseudolaw and Sovereign Citizens* (Hart Publishing 2025) 153 ff; Donald J Netolitzky, “A Revolting Itch: Pseudolaw as a Social Adjuvant” 2021 (22) *Politics, Religion and Ideology* 164; George F Parker, “Competence to Stand Trial Evaluations of Sovereign Citizens: A Case Series and Primer of Odd Political and Legal Beliefs” (2014) 42 *Journal of the American Academy of Psychiatry and the Law* 338; Joe McIntyre, “Pseudolaw and the Illusion of Legal Meaning” [2025] *Alternative Law Journal* 1.

²⁷ “‘I’m a sovereign’: Singapore Woman who Refused to wear Face Mask cites Radical US movement”, *South China Morning Post*, 5 May 2020: <https://www.scmp.com/news/asia/southeast-asia/article/3082883/im-sovereign-singapore-woman-who-refused-wear-face-mask>.

²⁸ Mark Pitcavage, “Foreword” in Hobbs et al (n 26) x.

²⁹ Donald J Netolitzky, “The Dead Sleep Quiet: History of the Organized Pseudolegal Commercial Argument Phenomenon in Canada — Part II” (2023) 60 *Alberta Law Review* 796; Bruce Baer Arnold, “Pseudolaw as Utopia and Legal Smorgasbord” in Hobbs et al (n 26) 60 ff, who refers to this diversity as “32 Flavours of Failed Authority” by analogy to Campbell’s soup varieties.

³⁰ “Porepunkah shooting and search for Desmond Freeman (Filby)”: <https://www.police.vic.gov.au/porepunkah-shooting-and-search-desmond-freeman-filby>; “Fugitive Dezi Freeman: Taskforce launched to lead manhunt”, 24 October 2025: <https://www.1news.co.nz/2025/10/24/fugitive-dezi-freeman-taskforce-launched-to-lead-manhunt/>. At the time of writing, the perpetrator is still on the run.

³¹ Bruce Baer Arnold, “Pseudolaw as Utopia and Legal Smorgasbord” in Hobbs et al (n 26) 57 ff.

³² Suzie (Eddie) Izzard, “Do you have a Flag?” <https://www.youtube.com/watch?v=UTduy7Qkvk8>; Nautilus Federation, 8 October 2020: “Shipping’s Inconvenient Truths”: <https://www.nautilusfederation.org/en/news/shippings-inconvenient-truths>

³³ Art 91, *UNCLOS 1982*.

³⁴ John Gresson, “New Zealand Flags of (In)convenience”, 49th MLAANZ Conference Dethridge Memorial Address.

³⁵ Section 58(5), *Ship Registration Act 1992* (NZ); s 30, *Shipping Registration Act 1981* (Cth).

³⁶ See eg art 92, *UNCLOS 1982*.

³⁷ *Lloyd v Guibert* [1865] LR 1 QB 115 (Exchequer Chamber); *The Queen v Anderson* [1868] LR 1 CCR 161; *In re Missouri Steamship Co* (1889) 42 Ch D 321 (CA); R Shanafelt, “The Nature of Flag Power” (2009) 27 *Politics and the Life Sciences* 13.

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Like the sovereign citizen movement itself, the flag trope seems to have originated in the United States.³⁸ There are numerous US cases where challenges have been (unsuccessfully) brought on the basis that the US courtroom flag has a golden fringe and a gold tassel, which apparently surreptitiously signifies admiralty law or the law merchant,³⁹ as opposed to the good old common law.⁴⁰

The (ab)use of flags as jurisdictional symbols by sovereign citizens has spread worldwide. In Australia, the “land flag” of choice is the red ensign, which supposedly signifies common law, as opposed to the standard blue Australian flag, which symbolises the evils of maritime law.⁴¹ As explained by the Court in *State of New South Wales v Kiskonen (Preliminary)*:⁴²

[14] On 25 May 2020, Mr Kiskonen posted a video on YouTube in which he indicated that Mr Spiers had been declared King of Australia and encouraged people to make the oaths of allegiance. This was followed by an online campaign, through YouTube and Facebook, of getting as many individuals to swear allegiance as possible. As part of the emergence of the kingdom, a campaign of raising the red ensign flag at war memorials across Australia was undertaken, beginning with Mr Kiskonen doing so at Campbelltown on 17 July 2020. It is believed that Mr Kiskonen declared himself to be the “Lord Mayor of Campbelltown” on this occasion.

[15] The red ensign flag — and specifically an early version of it — is used by UKOA as their flag. UKOA adherents believe that it signals their jurisdiction and that, by flying it, they render themselves immune from action by police under International Law. Mr Spiers and others have advocated a theory that this is a “Land flag” which places them outside the jurisdiction of “Admiralty Law” as represented by the blue Australian National Flag.

The irony that the red ensign was, of course, originally designed as the official flag for Australian registered merchant ships seems to have entirely escaped the “King of Australia” and his followers.⁴³

Across the ditch, Aotearoa’s flag of choice for sovereign citizens to escape traffic rules and parking fines is the *He Whakaputanga* flag,⁴⁴ also known as the United Tribes ensign, or *Te Kara o Te Whakaminenga o Nga Hapu o Nu Tireni*, the original national flag of Aotearoa (adopted in 1834).⁴⁵ This misappropriation by sovereign citizens is particularly offensive to the tangata whenua of Aotearoa, as *He Whakaputanga* (both the flag and the declaration of independence)⁴⁶ plays an incredibly important role in the history of the constitutional relationship between the Crown and Māori iwi.

With all this focus on flags, an interesting side note is that there appears to be little or no conspiracy argumentation amongst pseudo lawyers surrounding the actual official symbol of Admiralty courts, namely the Oar Mace.⁴⁷ It may be because the inconvenient truth that Oar Maces are so rarely brought out of their cupboards proves that

³⁸ *State of Ohio v Few*, Court of Appeals of Ohio, Second District, Montgomery County, 2015 WL 3650701 (12 June 2015) ¶ 6, citing *DuBose v Kasich*, SD Ohio No. 2:11–CV–00071, 2013 WL 164506 (15 January 2013) *3: “sovereign citizen theories involve the alleged corporate status of Ohio and the United States; the relationship between the yellow fringe on the United States flag and admiralty jurisdiction; and the effect of capitalizing the letters of his name. Plaintiff ultimately maintains that he does not have a contract with either Ohio or the United States and, therefore, does not have to follow government laws. ... [F]ederal courts have routinely recognized that such theories are meritless and worthy of little discussion.” See also Leslie R Masterson, “‘Sovereign Citizens’: Fringe in the Courtroom” (2011) 30 *American Bankruptcy Institute Journal* 1.

³⁹ Or, even more outlandishly, Canon law: see “Holy See Admiralty Law Rules the World”, https://one-heaven.org/canons_positive_law/article_330.htm (now defunct: on file with the author); and “Admiralty Law & ‘The Law of the Sea’”: <https://solutionsuned.co.uk/admiralty-law-the-law-of-the-see/>.

⁴⁰ Tory Shepherd, “Under False Flags: Why are Australia’s Blue and Red ensigns and Eureka flag being flown at Rightwing Allies?”: <https://www.abc.net.au/news/2025-09-03/australian-flag-as-a-symbol-after-march-rallies/105720848>

⁴¹ Glen Cash, “A Kind of Magic: Pseudolaw in Australia” in Hobbs et al (n 26) 162 ff: there is a similar (ab)use of the red ensign by sovereign citizens in Canada.

⁴² [2021] NSWSC 915 (27 July 2021).

⁴³ See “Flying the Australian National Flag and red ensign on ships”: <https://www.pmc.gov.au/resources/australian-flags-booklet/part-2-protocols-appropriate-use-and-flying-flag/flying-australian-national-flag-and-red-ensign-ships>.” “Weaponisation’ of Australian flag denounced in wake of divisive rallies.” <https://www.abc.net.au/news/2025-09-03/australian-flag-as-a-symbol-after-march-rallies/105720848>.

⁴⁴ Matt Burrows, 9 November 2021, “Covid-19 freedom protestors confronted after trying to overturn Northland Iwi checkpoints flying Unite Tribes Flag Upside Down”: <https://www.stuff.co.nz/nz-news/350524965/covid-19-freedom-protesters-confronted-after-trying-to-overthrow-northland-iwi-checkpoints-flying-united-tribes-flag-upside-down>.

⁴⁵ See <https://digitalnz.org/records/22894200/united-tribes-ensign?from-story=5b9706ef8d2a4e07c8470ee7>. See also Khylee Quince, “Resisting the Myth of Hobson’s Pledge and Crown Benevolence: Repairing the Record as Part of Weaving Together a Legal Future” (2024) 4 *Legalities* 161, 166 ff.

⁴⁶ See <https://teara.govt.nz/en/he-whakaputanga-declaration-of-independence>.

⁴⁷ See <https://www.mlaanz.org/presentation-of-the-oar-mace-to-the-auckland-high-court.html>; Paul Myburgh and Jennifer Sutton, “The New Zealand Silver Oar Mace” (2003) 17 *MLAANZ Journal* 118.

there is indeed no maritime law conspiracy, and that our Courts are not applying admiralty law (at least not beyond the rather restricted limits of the specialist jurisdiction clearly indicated by statute).

For a student of the historical development of admiralty law, this all has very strong echoes of the bitter 17th century feud between the Chief Justice of the Common Law courts, Sir Edward Coke, and the English Admiralty courts.⁴⁸ Many of the arguments, conspiracy theories, and paranoid, have not changed much (if at all) since 1661.

3.3 Ship Mortgages and Maritime Liens

Maritime preferred mortgages and liens represent another obsession and tactical tool exploited by North American sovereign citizens.⁴⁹ Although maritime liens in the Anglo-Common Law world arise automatically out of the operation of maritime law, federal US maritime law, for example, allows for the registration of preferred ship mortgages and necessaries claims, which give rise to maritime liens, under the Commercial Instruments and Maritime Liens Act.⁵⁰ This has allowed pseudo law adherents in these jurisdictions to engage in “paper terrorism” by registering fictitious and exorbitant maritime liens against their perceived opponents and enemies.

One of the more extreme examples of this tactic involved Cherron Marie Phillips, also known as “River Tali El Bay”, who knowingly filed multiple false maritime liens to the value of US\$100 billion against the properties of a dozen current and former federal employees, including a former Chief Justice and an Attorney-General, in retaliation for their involvement in the investigation and prosecution of her brother, Devon Phillips. She was subsequently sentenced to seven years in prison.⁵¹

Whilst superficially amusing, “paper terrorism” can have serious consequences for the credit ratings of victims, and has given rise to acts of violence against US officials who refuse to register dubious maritime liens.⁵²

3.4 Personification

One of the main tenets of sovereign citizen theories is a core concept beloved of admiralty lawyers, namely personification theory.⁵³ This thinking “logically” follows on from the idea that the judicial machinery is actually an “Admiralty Court” in disguise. Therefore, the “Admiralty Court” only has in rem jurisdiction over maritime matters. If it assumes jurisdiction over a sovereign citizen defendant, its powers can only extend to the “straw man” or alter ego of the actual person, ie a fictional vessel created by admiralty law. As explained by the Court in *US v McQuarters*:⁵⁴

Both Ms. McQuarters’ and Mr. Gay’s pleadings may most charitably be described as complete nonsense. She has filed a complaint (or whatever it is), naming the United States as the Plaintiff. She apparently wants the Treasury Department to pay her bills. Ms. McQuarters appears to subscribe to some variation of the “redemption movement” or the “sovereign citizen movement,” bizarre, conspiracy-oriented theories that differentiate between some fictional entity created by the government and registered as a maritime vessel, and the actual “flesh and blood” sentient being that is immune from taxes, mortgage payments or any other debts. In *Spencer v. Social Sec. Admin.*, 2006 WL 695782, *3 (E.D.Mich.2006), I described these types of claims as being “among an array of shopworn and quixotic arguments, having currency among so-called ‘tax protestors,’ but without any support in the law.”

⁴⁸ See *The jurisdiction of the admiralty of England asserted against Sr. Edward Coke's Articuli admiralitatis*, in *XXII chapter of his jurisdiction of courts by Richard Zouch*: <https://quod.lib.umich.edu/e/eebo/A67861.0001.001/1:5>

⁴⁹ *Burnett v State of Michigan*, District Court, WD Michigan, Southern Division, Case No 1:24-cv-55, 2024 WL 3721741 (18 June 2024) *5: “I, Carmie-ronata am the dance of frequencies, a specific pattern of frequencies arising within the dynamic symphony of the Quantum field. I am an expression, an extension, of the Ultimate Creative Essence... I, Carmie-ronata am the Living Vessel and the holder of Preferred Maritime Lien as a FUNDAMENTAL UNALIENABLE right of control over a Preferred Mortgage known as the “CERTIFICATE OF LIVE BIRTH” from my DEAD VESSELL’S CARGO being held on account by the Birthing State and CHURCH CARETAKERS.”

⁵⁰ *46 US Code*, Subtitle III, Chapter 313.

⁵¹ Anne Diebel, Tyler Maroney, “Paper Terrorism: Anti-government Vigilantes Wield a Subtle Weapon”: <https://harpers.org/archive/2018/10/paper-terrorism/>

⁵² Christine M Sarteschi, *Sovereign Citizens: A Psychological and Criminological Analysis* (Springer 2020) Chapters 3 and 4; Charles E Loeser, “From Paper Terrorists to Cop Killers: The Sovereign Citizen Threat” (2015) 93 *North Carolina Law Review* 1106.

⁵³ On which, see eg Martin Davies, “In Defense of Unpopular Virtues: Personification and Ratification” (2000) 75 *Tulane Law Review* 337.

⁵⁴ District Court, ED Michigan, Southern Division, Case No 11–mc–51386, 2013 WL 6095514 (20 November 2013).

Since the defendant is actually a “free man on the land”, so the “reasoning” runs, the Court has no personal jurisdiction over them. The “Admiralty Court” must therefore release the defendant for lack of in rem jurisdiction. It goes without saying that this magical thinking originates from, and is modelled on a distortion of the more extreme US version of admiralty personification.⁵⁵ Apart from being quite absurd, it ignores all the nuances of the personification/proceduralism debate, and would certainly cut no mustard with Lord Steyn in *The Indian Grace*.⁵⁶ This “thinking” is also applied very unevenly and eclectically — when it suits them, sovereign citizens may well choose to invoke admiralty law rather than shunning it.⁵⁷ So, for example, in *Pitter & Baier (No 2)*⁵⁸

... the appellant argues that the case falls within the ambit of the *Admiralty Act 1988* (Cth) on the basis that he is a “living man, and captain of [his] vessel navigating God’s holy water”. He is obviously not a “ship” as defined in s 3 of the Admiralty Act and the Act does not deal with parenting issues.⁵⁹

Sometimes, sovereign citizens will even proudly proclaim themselves as being vessels, whether postal or naval:⁶⁰

~ 0 FOR THIS GLOBAL-POSTAL-PLOYMENT-SERVICE-TREATY OF THIS WITNESS, CLAIMANT, LIFE-BIRTH-CLAIMANT, VISITOR, NEUTRAL &: POSTMASTER: Glenn-Matthew: Linnett ’ s- KNOWLEDGE &: WITNESS, CLAIMANT, LIFE-BIRTHCLAIMANT, VISITOR, NEUTRAL, POSTMASTER, SOVEREIGN &: POSTMASTERGENERAL OF OUR WORLD: Russell-Jay: Gould ’ s- KNOWLEDGE ARE WITH THESE PERFORMANCES OF THIS SALVAGE &: TOW WITH THIS CARGOS: AUSTRALIA-NATIONAL-FLAG, AUSTRALIA-RED-FLAG &: AUSTRALIA NAVALFLAG OF THIS C.-S.-S.-C.-P.-S.-G.-P.-FLAG-VESSELL

3.5 Why?

So, why do they do it? Much of the academic literature on pseudo law adherents focuses on this question. The consensus seems to be that much of this arises from a deep sense of disenchantment and alienation from the orthodox legal system, which expresses itself in distorted appeals to legal history and many of the same legal fictions, techniques, or arguments that we employ in maritime litigation.⁶¹

For someone who has devoted the greater part of his life to the study of maritime and admiralty law, it is profoundly disconcerting to view familiar and cherished legal concepts through the distorted looking glass of these individuals and groups. The solution to the problem of sovereign citizens and pseudo law adherents is anything but clear. The only clarity seems to be that this trend represents a deeply problematic failure or rupture in societal values and the social compact which is unfortunately not going to go away any time soon.⁶²

Our legal systems increasingly alienate the population from meaningful engagement with legal advocates, the judiciary and judicial resolution, yet fails to recognise and redress the damage this alienation can cause. It is entirely foreseeable that when individuals predisposed to this belief system are unable to access good quality information and advice (or even just basic assistance and sympathy), they will interpret their negative experiences as being symptomatic of something more malevolent. Pseudolegal arguments are, arguably, to some extent a consequence of the conduct of judicial systems and not a purely external imposition.

Sovereign citizen pseudolegal theories are attractive to people looking for a way out of a crisis. The pandemic and the associated health orders prohibited protest, suspended ordinary parliamentary procedures, and put many people’s economic livelihoods at risk. These necessary but dramatic responses were imposed on the back of nearly 40 years of neoliberal policies that have cut back the

⁵⁵ Glen Cash, “A Kind of Magic: Pseudolaw in Australia” in Hobbs et al (n 26) 170 ff.

⁵⁶ See Paul Myburgh, “Richard Cooper Memorial Lecture: Admiralty Law — What is it Good for?” (2009) 28 *University of Queensland Law Journal* 19.

⁵⁷ This intellectual eclecticism is typical: Bruce Baer Arnold, “Pseudolaw as Utopia and Legal Smorgasbord” in Harry Hobbs, Stephen Young, Joe McIntyre (eds), *Pseudolaw and Sovereign Citizens* (Hart Publishing 2025) 64 ff: “Grazing a Smorgasbord”.

⁵⁸ [2024] FedCFamC1A 197 [14]; See also Bruce Baer Arnold, “Pseudolaw and the magic Magna”

<https://barnoldlaw.blogspot.com/2024/10/pseudolaw.html?m=1>

⁵⁹ However, perhaps see s 19 of the *Admiralty Act 1988* (Cth) on surrogate ships.

⁶⁰ Glen Cash, “A Kind of Magic: Pseudolaw in Australia” in Hobbs et al (n 26) 164.

⁶¹ Harry Hobbs, Stephen Young, Joe McIntyre, “The Internationalisation of Pseudolaw: The Growth of Sovereign Citizen Arguments in Australia and Aotearoa New Zealand” [2024] 47 *University of New South Wales Law Journal* 309.

⁶² *Ibid*, 342.

regulatory state throughout the common law world. Legal education is too costly. Legal scholarship is behind paywalls. Legal representation requires funding. Pseudolegal forms are often free or relatively cheap to download online. Pseudolegal communities are insular but supportive on social media and are embedded in an even broader conspiratorial alternative shadow world. It is time to take pseudolaw seriously.

4 Postscript

The Hon Michael Kirby delivered a wonderful My Brilliant Career Dethridge Memorial Address in 2007, in which he recounted his almost-career as a maritime lawyer.⁶³ After being offered a clerkship at Ebsworth and Ebsworth, it was withdrawn at the last minute due to political shenanigans. As he puts it:

The offer of a lifetime in admiralty law was summarily, and unilaterally, withdrawn. With heart shattered, I stumbled out into the sunlight of Bridge Street, my decks awash with tears. My great ambition had come to a shuddering halt, before even leaving the harbour. I would never thereafter recapture the dreams of expertise in admiralty and maritime law.

So far, I have tried to keep my decks completely dry, but I would like to finish my Address with a few words that may just change that.

I am especially grateful that I was invited to give the Dethridge Memorial Address this year — it is, of course, the first and the last time I will be invited to deliver one — repeats are for the very favoured few.⁶⁴ But it is also probably the last time that I will hear one. I've decided to largely bid farewell to academe at the end of this year. These decisions are always complex, but it seems to me that New Zealand universities have increasingly become political footballs for right-wing politicians.⁶⁵ I also never signed up to become a fulltime cop detecting student AI slop.⁶⁶

I have now been a member of this Association for roughly 36 years. You have all been a major part of my life. You have provided me with professional opportunities, drinking companions, and fellow travellers and conspirators. I am incredibly proud of this Association, particularly for its support of young maritime lawyers and maritime law education. You have for many years provided a heavily discounted student membership, and you have generously sponsored a prize for my maritime law courses. This is utterly commendable and enlightened.

Above all, you have provided me with some of my closest friends and comrades. On 15 February 2007, while on the school run to collect my darling children, I received the phone call that anyone living far away from their families dreads — my father had died suddenly and unexpectedly. After harassing Air New Zealand for the soonest possible compassionate travel ticket, I sent up smoke signals to a few of my MLAANZ friends — you will know who you are — who, without any hesitation, generously agreed to step in and salvage my maritime law teaching for me while I was away. This enabled me to say goodbye to my father properly without the extra stress and panic of abandoning my maritime law students. This was an act of incredible kindness which touched me deeply, and which I will never, ever forget. For me, it exemplifies the very best of our Association. Thank you so very much.

And thank you to all of you for listening to my nonsense.

⁶³ Michael Kirby “From Lutine Bell to Law Reform - A Case Study in Australian Admiralty Law” (2008) 22 *Australian and New Zealand Maritime Law Journal* 1.

⁶⁴ James Allsop, “International Commercial Law, Maritime Law and Dispute Resolution: The Place of Australia, New Zealand and the Asia Pacific region in the Coming Years” <https://www.austlii.edu.au/au/journals/FedJSchol/2006/20.pdf>; James Allsop, “Not a Land Girt by Beach and the Importance of Seeing Maritime Law as the Law of an Activity” (2024) 38 *Australian and New Zealand Maritime Law Journal* 1.

⁶⁵ See eg “ACT MP launches member's bill to stop universities offering services 'based on race'” Radio NZ, 29 March 2025: <https://www.rnz.co.nz/news/top/556560/act-mp-launches-member-s-bill-to-stop-universities-offering-services-based-on-race>; Sam Sachdeva, “Parliament takes ‘nuclear option’ to kill off tikanga regulation”, Newsroom, 26 May 2025: <https://newsroom.co.nz/2025/05/26/parliament-takes-nuclear-option-to-kill-off-tikanga-regulation/>.

⁶⁶ Dag Øivind Madsen, Richard W Puyt, “The 7Vs of AI Slop: A Typology of Generative Waste” (2 October 2025): <https://ssrn.com/abstract=5558018>, <http://dx.doi.org/10.2139/ssrn.5558018>. And, of course, there is always the perennial academic affliction of “*latet anguis in herba*”, as Virgil (*Eclogue III*, v 93) puts it.