

The Sovereign Citizen Movement in Australia

s 22(1)(a)(ii)



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Acting Assistant Commissioner
Counter Terrorism & Special Investigations



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Sovereign Citizens in Australia

People have identified as Sovereign Citizens in Australia for decades.

Traditionally, SovCits sought to dissociate from society and refuse to engage with societal requirements like paying tax.

Historically these SovCits took a stance in isolation or in small local groups.



Hutt River's Self titled Monarch Prince Leonard (IMAGE: AAP/PRINCIPALITY OF HUTT RIVER, HONOURABLE HUGH BROWN)

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Characteristics of the new movement

- Organised
- Recruiting & evangelising
- Co-opting or overlapping with other movements (anti-vax, conspiracy, far-right)
- Use of technology to connect globally with other SovCit movements.



"Freedom Convoy" in Canada which inspired a number of movements globally, including in Australia. (Dave Chan/AFP/Getty Images)



Canberra freedom rally (Photo: AAP)



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Characteristics

- Strong belief they are morally and legally correct.
- Generally open about their beliefs and plans. Tend not to conceal identity or use discrete methods.
- Push towards encrypted communication is largely to do with being de-platformed by social media companies.
- Generally claim to be non-violent or acting only in self-defence against the Government.



Protestors form a "sit in" (Photo: Darrian Traynor)

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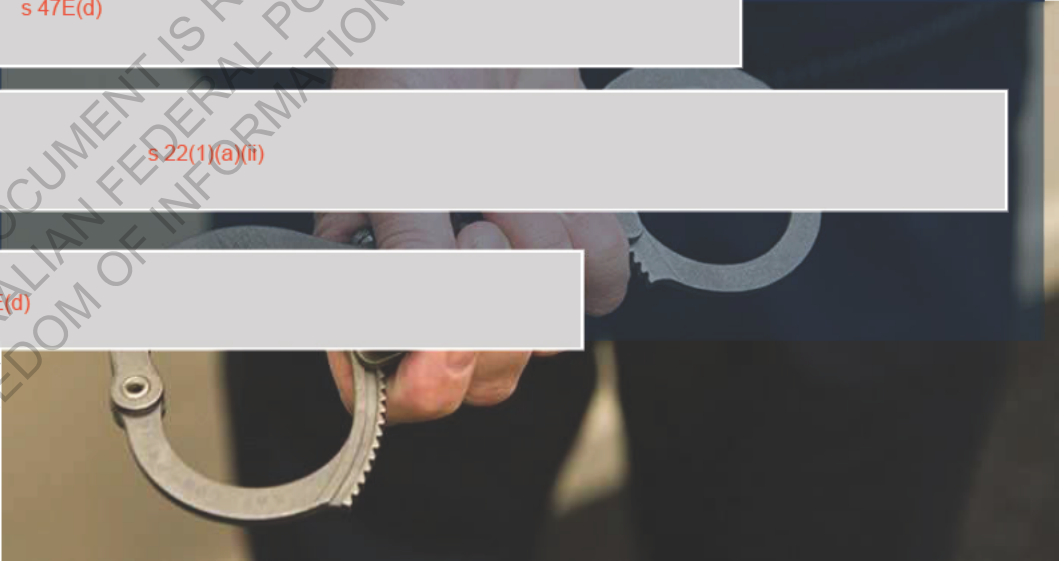


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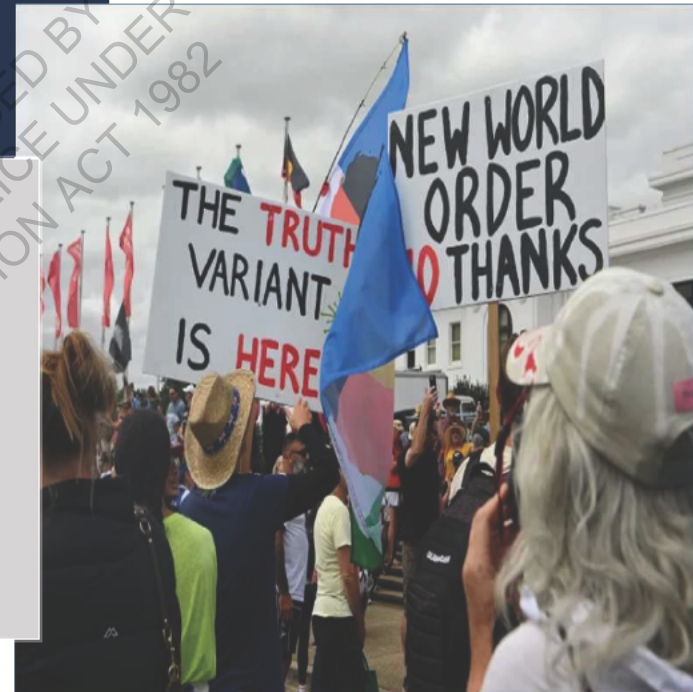
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- Despite the arrests, similar movements are still emerging.

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Crowds at Old Parliament House (Photo: Kate Geraghty)

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Looking forward

- While different to other extremist groups, the potential for violence, fixation and harassment exists within these groups.
- COVID restrictions easing, upcoming elections, overseas movements will likely all play a role in future of the movement in Australia.
- The AFP remains alert to SovCit activity particularly where violence is being advocated.



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AUSTRALIAN SOVEREIGN CITIZENS MOVEMENT

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Introduction

- Introduce self/title.

Brief history of sovereign citizens in Australia

- As a concept, the sovereign citizen movement and individuals identifying as sovereign citizens, or similar, have existed in Australia for decades. Historically, these beliefs manifested in individuals finding various ways to dissociate from societal structures. This included eccentric types who attempted to establish “micro-nations” on remote plots of land – creating their own flags and currency, or extreme libertarians who chose not to engage in societal requirements such as paying taxes or obtaining a drivers licence.

Generally speaking, these “sovereign citizens” operated in isolation or in small communal groups, and were mostly harmless.

Of course, we have seen a resurgence in the sovereign citizen movement in Australia, which has been significantly shaped by the Government response to the COVID-19 pandemic as well as international movements, particularly in the US and Europe. In contrast to what came before, we are now seeing this movement take on a very different shape.

Characteristics

- We are seeing clear organisation, recruitment and evangelising, as well as formal and informal leadership structures. In Australia, much like other countries, we are also seeing the SovCit movement overlapping with other Issues Motivated Groups, finding common ground with anti-vax groups, conspiracy groups and far-right extremists.
- The ubiquity of social media and online connectivity, has allowed individual SovCits to easily connect with each other around the country and around the world. We have seen evidence of transnational information sharing, encouragement and support, including financial support, between sovereign citizen groups.
- In Australia, social media and messaging apps have been the primary tool for proliferation of material and for organising activity.
- Sovereign Citizen groups in Australia tend to operate with a confidence that they are morally and legally justified in their beliefs and actions, and/or with a confidence that they will be vindicated once the Government is deposed.
- These groups often apply idiosyncratic interpretations of common law principles, Human Rights laws and even the Magna Carta to delegitimise Government authority and empower their movement.
- This deeply held belief in the legitimacy of their cause means that they are less concerned with using traditional criminal or terrorist tradecraft, such as concealing identities or discrete planning. Many of these groups started off using publicly visible social media forums like

Commented [RH1]: Likely a few of these points will be covered by the first speaker, but I still think it's worth including.

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Facebook and YouTube, and were only pushed into encrypted communication systems following a wave of de-platforming by major social media companies over the last two years.

- The rhetoric we have seen from these groups usually projects their opposition to government structures – “I don’t consent” is a common phrase used when confronted with any form of law enforcement or authority, which reflects a widely held SovCit belief that individuals can opt out of being subject to Government law. Alternatively, these groups emphasise their view that public servants ‘work for them’ and public buildings ‘belong to the people’ – during anti-lockdown protests in Melbourne, some SovCit groups were chanting “you serve us” at police officers, and many protestors in Canberra suggested they had a “right” to occupy Parliament house.
- While Australian SovCit groups can attract an array of demographics s 47E(d)
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- While some members can be hostile, and protest activity can always attract those wanting to act violently, the movement itself is generally claimed to be non-violent. Unlike some other extremist groups who inherently advocate violence as part of their beliefs, SovCits see violence as a last resort or only necessary in the form of ‘self-defence’ against a tyrannical government. This however, does not mean that these groups can’t be dangerous.

Case study s 47E(d)

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- [Redacted]
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- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted] we have seen similar and related SovCit movements appear, including as part of the recent protests in Canberra. [Redacted]
- [Redacted]

Conclusion

- What we've learned is while these groups present and behave very differently to other extremist groups, there is an underlying capacity to inspire violence.
- We are largely seeing these groups take action in the form of non-violent protest, including co-opting other demonstrations. However, there is also a propensity for fixation on high office holders and public figures, as well as some within the movement urging violence.
- As COVID-based restrictions and mandates begin dissipating around the country, time will tell whether we see these movements fade into obscurity or whether they become a more enduring fixture of the threat landscape in Australia.
- The events of January 6 in the US demonstrated the seriousness of the threat when a group rejects an election result and mobilises against a Government structure. With an upcoming federal election in Australia, this will certainly be a space we watch closely.

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Our reference: LEX 1455

11 April 2023

s 22(1)(a)(ii)

By email: s 22(1)(a)(ii)

Dear s 22(1)(a)(ii)

Freedom of Information request

I refer to your request dated 10 March 2023 made under the *Freedom of Information Act 1982* (the Act).

Attached at Annexure A to this letter is my decision and statement of reasons for that decision.

I have decided to publish the documents in part in respect of your request. Publication of the documents will be made on the AFP website at <https://www.afp.gov.au/about-us/information-publication-scheme/routinely-requested-information-and-disclosure-log> in accordance with timeframes stipulated in section 11C of the Act.

Yours sincerely

s 22(1)(a)(ii)

Principal Lawyer
AFP Legal
Chief Counsel Portfolio

STATEMENT OF REASONS RELATING TO AN FOI REQUEST BY

s 22(1)(a)(ii)

I, s 22(1)(a)(ii) Principal Lawyer, AFP Legal, am an officer authorised under section 23 of the Act to make decisions in relation to the Australian Federal Police (AFP).

What follows is my decision and reasons for the decision in relation to your request.

BACKGROUND

On 10 March 2023, the AFP received your request in the following terms:

"I request under the FOI Act an AFP briefing about sovereign citizens as reported by the Guardian ("In February the Australian federal police provided an unclassified briefing on the growth of sovereign citizens in Australia and the current threat of violent extremism being committed by people within the movement.") for the period 1-28 February 2022 excluding emails."

SEARCHES

Searches for documents were undertaken by the FOI team and included but were not limited to causing a search of all records held by the AFP case officers with responsibility for matters relating to the documents to which you sought access.

EVIDENCE/MATERIAL ON WHICH MY FINDINGS WERE BASED

In reaching my decision, I have relied on the following:

- the scope of your request;
- the contents of the documents identified as relevant to the request;
- advice from AFP officers with responsibility for matters contained in the documents;
- the Act; and
- the guidelines issued by the Office of the Australian Information Commissioner under section 93A of the Act.

DECISION

I have identified two (2) documents relevant to your request. I have decided to release these documents in part with deletions pursuant to sections 37(2)(a), 47E(d) and 47G of the Act.

My reasons for this decision are set out below.

REASONS FOR DECISION***Material to which section 37(2)(a) applies:***

Section 37(2)(a) of the Act provides that:

"(2) A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to:

- (a) *prejudice the fair trial of a person or the impartial adjudication of a particular case.”*

Parts of documents identified as exempt under this section of the Act contain information concerning a matter which is the subject of current criminal proceedings. The release of the information prior to the case being finalised may prejudice the fair trial of the individuals who have been charged or the impartial adjudication of this case.

Accordingly, I find that parts of the documents are exempt under section 37(2)(a) of the Act as the matter is still before the courts.

Material to which section 47E(d) applies:

Section 47E(d) of the Act provides that:

“A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

- ...
(d) *have a substantial adverse effect on the proper and efficient conduct of the operations of an agency;...”*

Parts of documents identified as exempt under this section of the Act contain information, the release of which, would have a substantial adverse effect on the conduct of AFP operations – specifically, the AFP’s expected functions as a law enforcement agency.

The AFP performs statutory functions relating to public safety, and the protection of the public (and property) from criminal acts or otherwise. The information identified as exempt under this section of the Act relates to potential threats to public safety being monitored by the AFP. I am of the view that disclosure of the information could reasonably be expected to have a substantial adverse effect on the proper and efficient execution of the AFP’s functions relating to public safety.

The AFP also performs statutory functions relating to services by way of the prevention and investigation of offences. The information identified as exempt under this section of the Act is also relevant to the AFP’s functions of investigating and preventing criminal offending. I am of the view that disclosure of the information could reasonably be expected to have a substantial adverse effect on the proper and efficient performance of those functions.

However, I must give access to this information unless, in the circumstances, access at this time would be contrary to the public interest.

I have considered the following factors favouring disclosure:

- (a) the general public interest in access to documents as expressed in section 11B of the Act; and
(b) the public interest in people being able to scrutinise the operations of a government agency and in promoting governmental accountability and transparency.

I have considered the following factors against disclosure:

- (c) the potential for the release of the information to jeopardise current operational measures directed to securing public safety

- (d) the need for law enforcement agencies to maintain the confidentiality over information that may be relevant to the prevention and investigation of offences, and
- (e) the overall public interest in law enforcement agencies maintaining public safety

While there is a public interest in providing access to documents held by the AFP, I have given greater weight to factors (c) to (e) above and conclude that on balance, disclosure is not in the public interest, given the need to maintain the confidentiality of current operational information and ensure public safety. Accordingly, I find that the documents or parts of the documents are exempt under section 47E(d) of the Act.

Material to which section 47G applies:

Section 47G of the Act provides that:

- “(1) A document is conditionally exempt if its disclosure under this Act would disclose information concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, in a case in which the disclosure of the information:*
- (a) would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs; or*
 - (b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency for the purpose of the administration of a law of the Commonwealth or of a Territory or the administration of matters administered by an agency.”*

The documents or parts of documents identified as exempt under this section of the Act contain information which relates to the business affairs of a private organisation. It is considered that this private organisation would be unreasonably affected by the disclosure of the information as it directly relates to their business and commercial affairs.

In relation to the factors favouring disclosure, I consider the following are relevant:

- (a) the general public interest in access to documents as expressed in sections 11B of the Act; and
- (b) the public interest in people being able to scrutinise the operations of a government agency and in promoting governmental accountability and transparency.

In relation to the factors against disclosure, I believe that the following are relevant:

- (c) the private organisation has not consented to the release of its information; and
- (d) disclosure may deter the private organisation from future cooperation with the AFP.

I have considered the public interest factors both in favour and against disclosure and in my view, in relation to these documents, the factors at (c) to (d) against disclosure outweigh the factors in favour of disclosure. Accordingly, I find the documents or parts of the documents are exempt under section 47G of the Act.

*****YOU SHOULD READ THIS GENERAL ADVICE IN CONJUNCTION WITH THE LEGISLATIVE REQUIREMENTS IN THE FREEDOM OF INFORMATION ACT 1982*****

REVIEW AND COMPLAINT RIGHTS

If you are dissatisfied with a Freedom of Information decision made by the AFP, you can apply either for internal review of the decision, or for a review by the Information Commissioner (IC). You do not have to apply for internal review before seeking review by the IC.

For complaints about the AFP's actions in processing your request, you do not need to seek review by either the AFP or the IC in making your complaint.

REVIEW RIGHTS under Part VI of the Act

Internal review by the AFP

Section 54 of the FOI Act gives you the right to apply for internal review of this decision. No particular form is required to make an application for internal review, however, an application needs to be made in writing within 30 days of this decision. It would assist the independent AFP decision-maker responsible for reviewing the file if you set out in the application, the grounds on which you consider the decision should be reviewed.

Section 54B of the FOI Act provides that the internal review submission must be made within 30 days. Applications may be sent by email (foi@afp.gov.au) or addressed to:

Freedom of Information
Australian Federal Police
GPO Box 401
Canberra ACT 2601

REVIEW RIGHTS under Part VII of the Act

Review by the Information Commissioner

Alternatively, section 54L of the FOI Act gives you the right to apply directly to the IC for review of this decision. In making your application you will need to provide an address for notices to be sent (this can be an email address) and a copy of the AFP decision.

Section 54S of the FOI Act provides the timeframes for an IC review submission. For an *access refusal decision* covered by section 54L(2), the application must be made within 60 days. For an *access grant decision* covered by section 54M(2), the application must be made within 30 days.

Applications for IC review may be lodged by email (foidr@oaic.gov.au), using the OAIC's online application form (available at www.oaic.gov.au) or addressed to:

Office of the Australian Information Commissioner
GPO Box 5128
Sydney NSW 2001

The IC encourages parties to an IC review to resolve their dispute informally, and to consider possible compromises or alternative solutions to the dispute in this matter. The AFP would be pleased to assist you in this regard.

Complaint

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the IC. A complaint may be lodged using the same methods identified above. It would assist if you set out the action you consider should be investigation and your reasons or grounds.

More information about IC reviews and complaints is available on the OAIC's website at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

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