# Briefing Note: Misuse of the Term “Sovereign Citizen” in Australia

## Background

The label “sovereign citizen” originated in the United States during the 1970s tax protest movements. It was later adopted by U.S. law enforcement as a catch-all term for individuals rejecting government authority. In Australia, the term has been imported by police, media, and agencies, but it is misleading: “sovereign” and “citizen” are contradictory, and most Australian dissenters do not identify with the phrase.

## Issue

The indiscriminate use of “sovereign citizen” risks delegitimising peaceful dissenters and equating them with extremists. This erodes democratic traditions of protest, civil disobedience, and political speech.

## Legal Protections for Dissent

Implied Constitutional Freedom of Political Communication

• Australian Capital Television v Commonwealth (1992) 177 CLR 106 – recognised implied freedom, struck down ban on political advertising.
• Nationwide News v Wills (1992) 177 CLR 1 – struck down law restricting criticism of the Industrial Relations Commission.
• Lange v ABC (1997) 189 CLR 520 – clarified implied freedom as limitation on legislative/executive power.
• Coleman v Power (2004) 220 CLR 1 – upheld protection of offensive political speech.
• Brown v Tasmania (2017) 261 CLR 328 – struck down anti-protest laws as burdening implied freedom.

International Covenant on Civil and Political Rights (ICCPR)

Ratified by Australia in 1980, the ICCPR protects:
• Article 19 – Freedom of expression.
• Article 21 – Right of peaceful assembly.
• Article 22 – Freedom of association.
• Article 25 – Right to take part in public affairs.

The High Court in Minister for Immigration and Ethnic Affairs v Teoh (1995) 183 CLR 273 recognised that ratification can create a legitimate expectation of compliance with international obligations.

## Conclusion

Genuine dissent and civil disobedience are protected under Australian constitutional law and international law. Authorities should avoid mislabelling peaceful dissenters as “sovereign citizens.” More accurate terms include “lawful dissenter,” “civil resister,” or simply “political protester.”