The Rise of Pseudolaw in South Australia

An Empirical Analysis of the Emergence and Impact of Pseudolaw on South Australia's Courts

Joe McIntyre, Frankie Bray, Jonathan Crichton, Harry Hobbs, Fiona O'Neill, Madeleine Perrett & Stephen Young

September 2024

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Executive Summary

The following summary sets out the key findings and recommendations of this study. The research provides critical insights into the nature, extent and impact of pseudolaw in South Australia's judicial system.

1. DATABASE ANALYSIS OF REPORTED PSEUDOLAW CASES

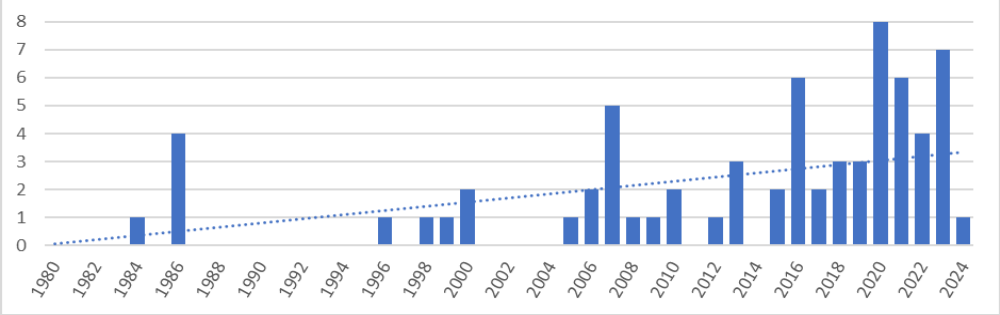
A review of the published case records in South Australia shows that pseudolaw has become a distinct phenomenon in South Australian case law. The analysis found 50% more pseudolaw cases in the last 10 years than in the previous 40 years, and the phenomenon is still growing. In total, 69 cases were identified between 1973 and 2024.

Table 1: Summary of Findings of Analysis of Reported Cases

Research Question	Findings
Is there evidence that pseudolaw is emerging as a distinct phenomenon in the publicly available case law of South Australia?	There is clear evidence that pseudolaw is now appearing as a distinct phenomenon in case law and that the prevalence is rapidly increasing in frequency. There has been a 50% increase in pseudolaw cases in the last 10 years compared to the previous 40 years
What types of cases are pseudolaw arguments being used in (nature, type, jurisdiction etc.)?	The cases are evenly distributed between civil and criminal matters, with applicants/appellants overwhelmingly self-represented. Most reported cases have occurred in the Supreme Court of South Australia, no doubt a result of the dataset of reported judgments. Pseudolaw adherents are overwhelmingly male, and there is a significant impact of repeat litigants.
What are the forms of pseudolegal argumentation that are being deployed in these cases?	The pseudolegal argumentation deployed in these cases can be categorised into six areas: strawman arguments, law is a contract, state law is defective, private prosecution, other, and pseudolaw adjacent.

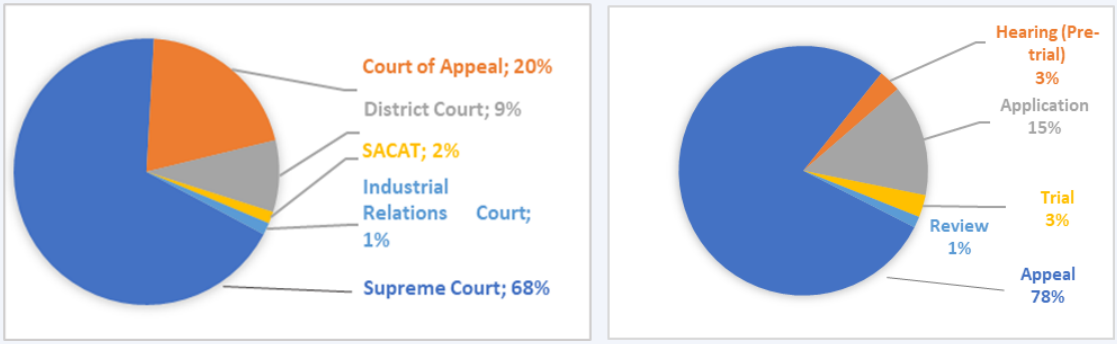
The database revealed that, even with the limitations of reported judgments, there was clear evidence of significant growth of pseudolaw-type matters. It is reasonable, on this dataset, to now describe pseudolaw as constituting a distinct phenomenon.

Figure 1: Pseudolaw Cases Over Time (1980-2023)



Matters were evenly distributed between civil and criminal matters, though there was variation depending upon the relevant jurisdiction. Litigants were overwhelmingly male and self-represented, though there were notable exceptions.

Figure 2: Case by Court Jurisdiction and Case type



The most common form of argument was that is that the law is defective, though other pseudolaw tropes appeared in the cases – including strawman arguments, law as contract/lack of consent and private prosecutions. Taken as a whole, the database provides an important insight into how pseudolaw is appearing in the visible written record of the South Australian judicial system.

2. THEMATIC ANALYSIS OF INTERVIEWS WITH JUDICIAL OFFICERS & ADMINISTERS

The following discussion summarises the key findings from the thematic analysis of interviews with judicial officers and judicial administrators undertaken in Part IV of this Report.

Table 2: Summary of Findings of Analysis of Interviews

Research Question	Findings
How is the phenomenon of pseudolaw understood and experienced by judicial officers and judicial administrators in South Australian courts, and what impact is it having on the administration of justice in this state?	The phenomenon of pseudolaw is widely recognised and experienced by judicial officers and administrators in South Australian courts as a distinct and growing issue. Despite the relatively small number of cases, pseudolaw has a disproportionate impact, consuming significant time and resources, particularly for judicial officers and administrators with heavy caseloads. It is seen as a unique challenge requiring special attention. While some strategies are in place to manage pseudolaw (often ad hoc), there is a recognised need for further reforms.

The phenomenon of pseudolaw was widely recognised and experienced by participants who encountered it with regular frequency. Some experience it on an almost daily basis. Pseudolaw was seen to be a regular part of their workload, particularly for judicial officers with heavy caseloads. It is seen as a unique challenge requiring special attention.

Table 3: Summary of Key Findings Regarding the *Prevalence* of Pseudolaw

	Themes	Summary of Findings
THE PREVALENCE OF PSEUDOLAW		
Prevalence		
1	**General Prevalence**	The participants in interviews noted the general rise of pseudolaw in terms of frequency, with all participants encountering the phenomenon on a regular basis. Participants noted that the global COVID-19 pandemic, and the public health measures that followed, acted as an accelerant for the growth of pseudolaw. What had been a relatively fringe concern became frequent, and at times overwhelming. While frequency has fallen from the peak experienced through the early 20s, they remain greatly elevated with an upward trajectory
2	**Forms of Proceedings**	Pseudolaw matters occurred in a broad range of civil and criminal, private and public law matters, though it appears that the nature and jurisdiction of the relevant court significantly impacted the types of matters where pseudolaw manifests.
3	**Demographics**	Participants noted a general convergence in the identity of litigants raising pseudolaw arguments, with a tendency for adherents to be middle-aged males. However, the demographics of adherents varied across jurisdictions.
4	**Other Findings**	The interviews revealed that pseudolaw adherents do not tend to be Aboriginal or Torres Strait Islander, despite some intersection between pseudolaw argumentation and Indigenous sovereignty arguments. Separately, participants highlighted that there were strong networks of pseudolaw adherents evident in the state.

Causes of Pseudolaw		
5	**The Legal System**	A number of participants posited that the structures and design of the legal system, in terms of accessibility and inherent complexity, as well as social factors such as legal literacy, were contributing to the rise of pseudolaw. The concern was that adherents lacked the skills to distinguish between legal and pseudolegal arguments and/or the capacity to engage legal representatives to provide that knowledge and representation for them, with the result that they stumbled into pseudolaw.
6	**The Internet and Social Media**	A common response from participants was that the rise of social media had led to increased numbers of pseudolaw adherents and grown the networks by which those adherents can communicate.
7	**COVID-19**	A strong theme that emerged from the interviews was that the COVID-19 pandemic led to the surge of pseudolaw litigation and that that rate had remained elevated despite the retreat of the impact of the pandemic.

Pseudolaw is characterised more by the behaviour and attitudes of pseudolaw adherents rather than by specific legal arguments. Its defining features include a conspiratorial mindset, a persistent questioning of authority, voluminous and irrelevant findings, and the use of scripted, often nonsensical arguments. Adherents often view themselves as fighting the "good fight" against a system they believe is rigged against them.

Table 4: Summary of Key Findings Regarding the *Performance* of Pseudolaw

	THEMES	Summary of Findings
THE PERFORMANCE OF PSEUDOLAW		
Manifestation		
8	**Pseudolaw Tropes**	Pseudolaw adherents in South Australia displayed the expected traditional troupes: archaic language, voluminous filings, standard templates and rituals, anti-government rhetoric and typical pseudolaw arguments.
9	**Types of Litigants**	Psuedolaw adherents appear to take on a number of distinct forms, ranging from the more sympathetic to the ideologue. The appropriate form of response was seen to vary depending on the type of litigant.
10	**Nature of Proceedings**	Pseudolaw appeared to manifest differently in civil and criminal proceedings, being more about 'fighting for personal rights' in the former context and more about 'fighting against the state' in the latter. That said, adherents seemed largely to be indifferent to the type of proceeding, seeing them as a mere vehicle to advance their ideologies.
11	**Representation**	Participants reported that pseudolaw litigants are almost always self-represented but noted that this did not always mean they were unfamiliar or intimidated by the litigation process as many were repeat players.
12	**Gurus**	Participants noted that 'gurus' play a pivotal role in the spread of pseudolaw, acting as key influencers who provide scripts and guidance to followers.
13	**Role of Lawyers**	There was evidence that lawyers (and in South Australia, a particular lawyer) sometimes play a role in pseudolaw by attracting pseudolaw adherents and representing them in litigation where they make quasi-pseudo claims for clients that may or may not be pseudolegal.
14	**Distinct from Vexatious Litigants**	While it was acknowledged that in some instances psuedolaw adherents may also be vexatious, the general view was that these remain distinct phenomena.
Performance		
15	**Language as Performance**	The use and form of language were central to the performance of pseudolaw, with language often used in a highly artificial, manipulative manner to escalate conflicts.
16	**Actions as performance**	There was a range of commonly seen ritualistic behaviours in the actions by which pseudolaw was 'performed', including bringing an audience to see and participate in that performance.
17	**Presentation as Performance**	These actions and use of language resulted in pseudolaw adherents presenting in a manner that was seen as aggressive, assertive and threatening.

Pseudolaw is placing a significant strain on South Australian courts. Participants described it as a huge problem that delays legal proceedings, drains resources and increases costs for the courts, litigants and third parties. The theatrical and confrontational nature of pseudolaw disrupts court operations, making the administration of justice more difficult. Participants expressed frustration with the current responses to pseudolaw, noting that it often requires disproportionate attention.

Table 5: Summary of Key Findings Regarding the *Impact* of Pseudolaw

	Themes	Summary of Findings
THE IMPACT OF PSUEDOLAW		
18	**Impact on the Administration of Justice**	Pseudolaw was seen to be one of the most detrimentally impactful issues facing participants. Pseudolaw requires participants to expend resources and time far out of proportion to the number of cases. It unduly burdens the progression of other cases and the general good administration of justice.
19	**Impact on Society**	Participants observed that pseudolaw has detrimental impacts on aspects of society more generally, including upon police, public health and local governments.
20	**Impact on Litigant**	Participants recognised that in many instances some legitimate concerns and arguments were masked by nonsensical pseudolegal arguments. In this, and other ways (including exposure to greater costs and penalties) pseudolaw was detrimentally impacting upon adherents themselves.
21	**Personal Impact on Judicial Officers/ Administrators**	Particularly for those participants dealing with a high frequency of pseudolaw matters, the growth of pseudolaw was having a significant detrimental impact on judicial officers, administrators and staff. This is not only undermining their health and well-being, but significantly negatively impacting upon their job satisfaction.

While some strategies are in place to manage pseudolaw (often ad hoc), there is a need for further reforms, such as increased training for judicial officers, streamlined dismissal processes, and more consistent support from higher courts to handle these cases more efficiently.

Table 6: Summary of Key Findings Regarding the *Responses* to Pseudolaw

	Themes	Summary of Findings
THE RESPONSES TO PSEUDOLAW		
22	**Potential Responses of Individual Judicial Officers**	There was a range of opinions offered about the best way for individual judicial officers to deal with pseudolaw litigants, ranging from giving them space but not engaging, to relying on authorities and ultimately more assertive use of inherent and statutory powers.
23	**Need for Further Systemic Responses**	A common response, however, was that this phenomenon has now reached a scale and frequency such that individual responses are no longer adequate, and more active institutional responses are needed.
24	**Potential Responses at the Institutional Level**	Some options were discussed with participants on potential institutional responses, some of which were directed to the administration of courts, and others to the support of staff and officers within the judicial system.
25	**Broader Social Reforms**	Given that pseudolaw appears to have arisen in response to a range of social pressures and circumstances, it is not surprising that a number of participants highlighted that there was a need for responses that extend beyond simply the operation of the judicial system. Some of these options were explored with participants.

This analysis suggests that there is a broad consensus that pseudolaw is now a distinct phenomenon that is regularly appearing in, and detrimentally impacting, South Australia's courts.

3. PSEUDOLAW ARCHETYPE LINGUISTIC CASE STUDY

The final phase of the research used a Theme-Oriented Discourse Analysis (a method used to explore how language constructs professional practice) to examine how the language and behaviour of pseudolaw adherents shape judgments and influence decision-making. This phase took as its subject of study a single archetypal hearing in a series of pseudolaw litigation.

Table 7: Summary of Findings of Pseudolaw Archetype Linguistic Case Study

Research Question	Findings
How is language implicated at critical moments in pseudolaw proceedings?	The findings identify five 'critical moments' where pseudolaw adherents systematically disrupted courtroom proceedings, with each intervention escalating in severity. At each moment, their use of turns and turn sequences disrupted the schematic sequences of talk essential to court proceedings.

This analysis reveals five key 'critical moments' as evident through the language and behaviour of adherents: (1) *Denying Identity*; (2) *Challenging the Authority of the Judicial Officer*; (3) *Disputing the Court's Jurisdiction*; (4) *Appropriating Power/Authority*; and (5) *Escalating via Guru and Audience Participation*. This pattern appears systematic and strategic, progressively challenging the court's authority and legitimacy. Though pseudolaw rhetoric is legally baseless, it demonstrates communicative expertise in disrupting the schematic sequences that underpin legal proceedings.

4. RECOMMENDATIONS

Drawing upon the three phases of the Report, this Report then sets out 15 potential responses of both judicial institutions of the State and the State Government to mitigate and address the impacts created by pseudolaw.

Table 8: Recommendations to Minimise the Impact of Pseudolaw

	Recommendation	Description
1	**Promotion of Common Nomenclature**	Judicial Officers and Administrators in South Australia should promote the adoption of a convention of using the term 'pseudolaw' to refer to this phenomenon.
2	**Provision of Training for Judicial Officers & Administrators**	The CAA, Heads of Jurisdiction and Registrars should work together to provide specialised training for judicial officers and administrators about how to recognise and respond to pseudolaw. This should also include the development of appropriate education resources to support judicial officers and administrators in better recognising and responding to pseudolaw matters
3	**Development of Guidelines for Responding to Pseudolaw**	Relevant guidelines should be developed for judicial officers and administrators to mitigate the impact of pseudolaw on the administration of justice and to ensure the safety and security of all personnel.
4	**Consideration be Given to the Development of Procedural Reponses**	Consider developing procedural reforms and screening techniques to protect the court and other parties from this cohort of litigants.
5	**Consideration be Given to the Development of Status-Base Reponses Akin to the Vexatious Litigant Regime**	Consider developing new status-base regimes, akin to the vexatious litigant regime, to minimise the disruptive impact of individual pseudolaw adherents upon the administration of justice.
6	**Facilitate Information Exchange Across Courts**	Processes should be put in place to facilitate the exchange of information on pseudolaw across courts and between different parts of the judicial system.
7	**Facilitate Information Exchange with Relevant Interstate and National Institutions**	Steps should be taken to ensure and facilitate the exchange of information on pseudolaw with relevant judicial organisations, bodies and institutions across Australia, both at the State/Territory and Federal level.
8	**Provision of Additional Resources to Judicial Institutions**	The Government should make additional financial resources available to the CAA and relevant judicial institutions to enable them to implement the above recommendations and to adequately ameliorate the institutional impacts of pseudolaw.
9	**Public Education on the Nature and Perils of Pseudolaw**	Resources be developed to facilitate public education on the nature and perils of pseudolaw.
10	**Initiatives Aimed to Enhance General Legal Literacy**	Steps should be taken to develop new initiatives to enhance general legal literacy in South Australia
11	**Support and Promote Further Research into the Impact and Nature of Pseudolaw in South Australia**	The State Government should support and promote further research into the impact and nature of pseudolaw in South Australia, particularly its impact on other government institutions and agencies.
12	**Facilitate Better Collaboration with the Police**	Steps should be taken to ensure and facilitate the exchange of information on pseudolaw between SAPOL and the courts.
13	**Explore Targeted Support for Vulnerable Individuals**	The State Government should examine the feasibility of potential initiatives to provide targeted support for vulnerable individuals liable to be attracted to pseudolaw.
14	**Increased Funding for Legal Aid and Access to Justice**	The State Government should examine ways of better investing in legal aid and access to justice in the state to provide greater and more meaningful avenues for individuals to engage with the law.

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Part I: Introduction

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1. INTRODUCTION

Pseudolaw is the phenomenon whereby the *forms* of conventional legal argumentation, but not the *substance*, are used to advance positions by adherents who believe they have access to the 'true' content of the law. It is generally underpinned by anti-authoritarian beliefs and a distrust of government and overlaps with a range of conspiratorial thinking. What distinguishes pseudolaw from other forms of fringe, pseudo- and conspiratorial beliefs is that its focal point is the law and the legal system. Whereas anti-vaxx ideology may be a challenge for the health system and public health policy, or QANON style conspiracies disruptive for politics and social order, pseudolaw takes as its site of engagement the law. This makes pseudolaw a potentially very disruptive phenomenon for our judicial institutions – being as they are a physical embodiment of the law in action.

It is only in the last few years that pseudolaw has attracted serious judicial and scholarly attention in Australia, and yet the size, nature and impact of the phenomenon in Australia remain unclear. This report seeks to concretely and empirically examine the extent to which pseudolaw has taken root in South Australia, to map its form and nature, and to explore the impact it is having on the administration of justice in this state.

While pseudolaw has come to be recognised as a distinct legal phenomenon in several jurisdictions over the last decade,[1] there remains limited research about the phenomenon in Australia. In recent years, research has begun to map the broad contours of the Australian phenomenon[2] and how it manifests in distinct forms of legal argumentation.[3] Additionally, some judicial officers have written about their experiences in a general context[4] and in the

[1] Donald Netolitzky, 'A Rebellion of Furious Paper: Pseudolaw as a Revolutionary System' (Paper delivered to the Centre d'expertise et de formation sur les intégrismes religieux et la radicalisation (CEFIR) symposium: 'Sovereign Citizens in Canada', Montreal, 3 May 2018); Donald Netolitzky, 'After the Hammer: Six Years of *Meads v Meads*' (2019) 56(4) *Alberta Law Review* 1167; Karoline Marko, '"The Rulebook – Our Constitution": A Study of the "Austrian Commonwealth's" Language Use and the Creation of Identity Through Ideological In- and OutGroup Presentation and Legitimation' (2021) 18(5) *Critical Discourse Studies* 565

[2] Glen Cash, 'A Kind of Magic: The Origins and Culture of "Pseudolaw"' (Paper delivered to the Queensland Magistrates' State Conference, Brisbane, 26 May 2022).

[3] Harry Hobbs, Stephen Young, and Joe McIntyre, 'The Internationalisation of Pseudolaw: The Growth of Sovereign Citizen Arguments in Australia and Aotearoa New Zealand' (2024) 47(1) *UNSW Law Journal* 309; Stephen Young, Harry Hobbs and Joe McIntyre, 'The Growth of Pseudolaw and Sovereign Citizens in Aotearoa New Zealand' [2024] *New Zealand Law Journal* 6

[4] Cash (n 2).

media.[5] Nevertheless, there has been no systematic qualitative research on the judicial experience of the phenomenon in Australia. In other jurisdictions, research has been undertaken to examine the views of litigants, particularly with respect to conspiracy theories,[6] but the direct experiences of judicial officers remain undocumented.

While it sometimes appears ridiculous, pseudolaw is a serious matter. People who make pseudolegal claims rob themselves of meaningful legal opportunities and incur great costs to themselves and the community. The phenomenon is also linked to violent extremism and may be indicative of growing social insecurity. Of particular relevance to this study is the significant concern that pseudolaw is becoming an increasing burden on Australian courts.[7]

This research will constitute one of the first substantive, qualitative analyses of the growing phenomenon of pseudolaw in Australia's legal system. The research offers a unique insight into the judicial experience of pseudolaw in South Australia, explores the impact of that phenomenon on litigation and examines how the judiciary responds. It weaves together two phases of research to explore both the 'seeing' and 'doing' of judicial practice. It examines evaluates the concrete outputs in judgments, and the direct experiences through interviews.

2. PROJECT DESIGN AND OVERVIEW

This project grew out of our earlier research looking at the forms of pseudolaw argumentation in Australia and Aotearoa New Zealand.[8] It was apparent in that research that a doctrinal analysis of this phenomenon – the research methodology most familiar to legal academics – could provide insights into only certain aspects of the nature and extent of the phenomenon. This view was further crystalised following a workshop we hosted at the University of Technology Sydney in Sydney in November 2023. That workshop brought together leading pseudolaw scholars from around the world and was one of the very first international conferences dedicated to this phenomenon. One of the strongest themes to emerge from that discussion was that the artifacts of law – such as the written judgment – only provide limited insights into how this phenomenon is manifesting and that there is no substitute for directly engaging with those for whom this has become a lived reality.

This research project has evolved as a response to this imperative. It utilises a range of empirical and interdisciplinary methods to map the extent, form and impact of the phenomenon of pseudolaw, and to explore with key participants the potential responses necessitated by its rise. This project was conducted in two discrete, but related dimensions:

1) **Analysis of Reported Judgements:** Phase I of the project focused on the output of judicial proceedings, the written judgment. A database was constructed of pseudolaw

[5] David Heilpern, '"Bullsh*t": Former Magistrate Slams Sovereign Citizens', *News.com.au,* (12 January 2023), https://www.news.com.au/technology/online/bullsht-former-magistrate-slams-sovereign-citizens/news-story/6755a8986943724280c281f050f1dd64.

[6] Kate Leader, 'Conspiracy! Or, When Bad Things Happen to Good Litigants in Person' (2024) *Legal Studies* Published online 1-21, https://www.cambridge.org/core/journals/legal-studies/article/conspiracy-or-when-bad-things-happen-to-good-litigants-in-person/B1AE515EFE1256C401737C477F7D713F.. See also Kate Leader, *Litigants in Person in the Civil Justice System: In Their Own Words* (Hart, 2024)

[7] Sophie Kesteven and Damien Carrick, 'Magistrates Witness a "Sharp Rise" in Sovereign Citizen Cases brought before the Local Courts' ABC Radio National (8 May 2023), www.abc.net.au/news/2023-05-08/nsw-magistrates-report-sharp-rise-in-sovereign-citizen-cases/102285772.

[8] See Hobbs, Young and McIntyre (n 3); Young, Hobbs and McIntyre (n 3).

cases from South Australia, drawing upon publicly available cases as reported in specialist legal databases. A doctrinal analysis of these cases was then undertaken to analyse the form of legal argumentation deployed and to track the growth of the phenomenon over time. The cases were coded against the framework of legal argumentation developed by the Investigators.[9] This phase provided a comprehensive exposition of the legally reported pseudolaw cases through traditional legal doctrinal scholarship.

2) **Interviews with Judges and Administrators**: Phase II involved interviewing judicial officers and judicial administrators to capture what is not contained in judgments, including the nature and impact of pseudolaw on the South Australian legal system. Drawing on interdisciplinary approaches to examine the lived experiences of those who directly participate in that system this phase allowed insights 'inside the box' to understand practices and context invisible to the official record. Phase II involved:

    (a) *Interviews with Judicial Officers/Judicial Administrators:* These semi-structured interviews (t=45-60mins) allowed a guided & reflective discussion of the emergence & impact of pseudolaw; and
    (b) *Thematic Analysis:* The interviews were transcribed and de-identified, and a thematic analysis was undertaken to identify key themes and narratives that emerged.

During the project, it became apparent that the language used by pseudolaw litigants, both in form and content, represented a vital site to better understand the phenomenon in this state. One particular judicial hearing that came to our attention provides a particularly vivid illustration of this aspect of the phenomenon. As a result, a third phase was added to analyse pseudolaw through the lens of the discipline of linguistics:

3) **Pseudolaw Archetype Linguistic Case Study:** Phase III of the project involved a linguistic analysis of the use of language and the related forms of behaviour exhibited by pseudolaw adherents in litigation through the in-depth analysis of a single archetypal illustration of pseudolaw litigation. For this case study, a recording and transcript of an August 2023 Supreme Court hearing was used to conduct a Theme-Oriented Discourse Analysis in an approach that drew upon sociology and linguistics.

The relevant methodologies used in each of these three phases are discussed in the relevant Parts of this Report.

Taken together, this project has been designed to track the growth of pseudolaw, as seen from the view of senior participants in the system, and identify the threats posed by the phenomenon as well as responses currently being developed.

3. SCOPE AND PURPOSE OF RESEARCH

This research aims to document and analyse the rise of pseudolegal argumentation in South Australian courts, and to track the impact of these cases on the operation of the State's judicial system.

[9] Hobbs, Young and McIntyre (n 3).

As pseudolaw evolves into a distinct, and distinctly disruptive, social phenomenon in Australia, it has become increasingly important that it is properly understood, and that its impact is fully recognised. As this research highlights, in the space of a few short years, pseudolaw has become one of the most disruptive and burdensome phenomena affecting the administration of justice in Australia. Indeed, evidence is mounting that it is adversely impacting a wide range of social institutions.[10] This demands new and targeted responses be developed to mitigate this phenomenon.

South Australia is an ideal jurisdiction to undertake such a study. First, South Australia strikes the ideal balance between being large enough to be representative and to have strong and developed legal institutions, while being small enough to allow efficient capture of key data sources. Secondly, South Australia has excellent demographics for a small-scale study of this type. South Australia has a population of nearly 2 million people, allowing sufficient scale for diverse groups and social movements to develop. It is, however, highly urbanised with nearly 80% of the population living in the greater Adelaide area. This means that most key infrastructure is centrally located and accessible. Thirdly, gaining access to key players in the judicial system can be a complex task, and is aided by being in a jurisdiction where researchers have strong professional networks that extend to these institutions. Finally, each Australian legal jurisdiction has its own culture and form of practices. South Australia has long resisted the drive to codification of other states and has a stronger 'common law' approach. This makes it easier to disaggregate the results in South Australia from the legislative regimes in place there, and to generalise those results to other jurisdictions.

A. Research Questions

The overarching purpose of this project is to map the nature (in size, form and manifestation) of pseudolaw and its impact, in the context of the South Australian judicial system. This project seeks to address the following overarching research questions:

1) To what extent is pseudolaw emerging as a distinct phenomenon in litigation before South Australia's courts?
2) What are the defining features and contours of the phenomenon of pseudolaw in South Australia?
3) How is pseudolaw impacting the operation of South Australia's courts, and the conduct of litigation before them?
4) How are South Australia's courts responding to pseudolaw?

To answer these questions effectively, a range of mixed-methods approaches were deployed to understand different aspects of the phenomenon, including how it is ***perceived and experienced*** by key participants in the judicial system, and how it is ***perceivable*** by those outside the judicial system. The three phases of the project utilised a range of different methodologies and techniques to undertake this task. In turn, each phase sought to directly answer a range of distinct subsequent research questions.

In Phase I, the ***Database Analysis of Reported Pseudolaw Cases***, a mixed-methods approach of qualitative analysis sought to understand that pseudolaw can be understood and perceived

[10] Hannah Murphy, 'Australian Taxation Office Fires Warning Shot Over :Hopelessly Flawed" Sovereign Citizen Movement's Tax Advice' *ABC News* (20 August 2024), https://www.abc.net.au/news/2024-08-20/sovereign-citizen-australian-taxation-office-tax/104064368

through the principal public artifact of the judicial system – the reported judgment. That Phase was designed to answer the following research questions:

- Is there evidence that pseudolaw is emerging as a distinct phenomenon in the publicly available case law of South Australia?
- What types of cases are pseudolaw arguments being used in (nature, type, jurisdiction etc.)?
- What are the forms of pseudolegal argumentation that are being deployed in these cases?

In Phase II, the ***Thematic Analysis of Interviews with Judicial Officers and Judicial Administrators,*** a qualitative approach of thematic content analysis was used to understand the experiences and views of a representative sample of key institutional participants in South Australia's judicial system. That Phase was designed to answer the following research questions:

- How is the phenomenon of pseudolaw understood and experienced by judicial officers and judicial administrators in South Australian courts?
- What impact is pseudolaw having on the administration of justice in this State?

In Phase III, the ***Pseudolaw Archetype Linguistic Case Study***, a qualitative theme-oriented discourse analysis that draws upon sociology and linguistics was used to examine the forms and purposes of language and behaviour used by pseudolaw adherents in litigation. That Phase was designed to answer the following research questions:

- How is language implicated at critical moments in pseudolaw proceedings?

These three phases, taken together, provide a rich insight into the extent, form and nature of pseudolaw in South Australia's judicial institutions, and the impact that phenomenon is having on the administration of justice.

B. Research Team

Given the scope and purpose of this research, an international multi-disciplinary research team has been developed to allow a detailed examination of the various modes of analysis. That team is as follows:

- **Dr Joe McIntyre (UniSA):** Dr McIntyre specialises in judicial studies and practices related to judicial decision making, with recent expertise in legal literacy and pseudolaw
- **Dr Harry Hobbs (UTS):** Dr Hobbs specialises in constitutional law and human rights, with recent expertise in pseudolaw and fringe legal movements
- **Dr Stephen Young (University of Otago):** Dr Young specialises in the intersection of Indigenous peoples and law, human rights, and duties and obligations, with recent expertise in pseudolaw
- **Dr Jonathon Crichton (UniSA):** Dr Crichton specialises in applied linguistics, and has extensive methodological expertise in the approaches deployed in this research
- **Dr Fiona O'Neil (UniSA):** Dr O'Neil specialises in languages and applied linguistics, and has extensive methodological expertise in the approaches deployed in this research

The project has also been ably supported by the excellent contributions of three PhD candidates in their capacity as project Research Assistants (RA). RAs, Madeleine Perrett, Frankie Bray, and Sawinder Singh are undertaking doctoral studies in law at the University of Adelaide.

4. STRUCTURE OF THIS REPORT

This final Report has been structured to enable the reader to understand the nature of the phenomenon of pseudolaw, the modes by which this research was undertaken, and the results and analysis of that research. Given the multidisciplinary nature of the material, care has been taken to explicitly set forth the various research methodologies – and the limitations therein – for each phase of the research. This Report is written principally for those working in the legal context, for whom these mixed methods may not be familiar, so we have tended towards an expansive explanation to provide context. The Report itself is divided into six parts:

- **Part I: Introduction –** This first Part, sets out the nature of the problem we are examining in the report and provides a framing of the underlying issues. It pulls together the discrete research questions being addressed in the research and outlines the approach by which these will be answered.

- **Part II: Overview of Pseudolaw –** This Part draws upon our previous work to provide an introduction and overview of the phenomenon of pseudolaw. This discussion outlines the defining features of the phenomenon, and briefly explains the common forms of argumentation exhibited in pseudolaw as well as providing a brief history of the phenomenon.

- **Part III: Database Analysis of Reported Pseudolaw Cases** – This Part sets out the research methodology, findings and discussion of the first phase of the project, examining reported pseudolaw cases in South Australia. This chapter provides insights into the visible manifestations of pseudolaw through the key judicial artifact of the written judgment. It helps understand the frequency and nature of pseudolaw cases in this State.

- **Part IV: Thematic Analysis of Interviews with Judicial Officers & Administrators –** This Part sets out the research methodology, findings and discussion of the second phase of the project, involving the thematic analysis of interviews with judicial officers and administrators who are at the front line of the administration of justice in the state. The Part outlines key quotes and materials to help understand four broad themes: (1) The Prevalence of Pseudolaw; (2) The Performance of Pseudolaw; (3) The Impact of Pseudolaw; and (4) The Responses to Pseudolaw.

- **Part V: Pseudolaw Archetype Linguistic Case Study** - This Part sets out the research methodology, findings and discussion of the third phase of the project, the linguistic case study of an archetypal pseudolaw hearing. This approach analyses video and transcripts from a significant pseudolaw case to understand how pseudolaw adherents make use of language in judicial hearings.

- **Part VI: Conclusion: Overall Observations and Recommendations –** The final Part of the Report pulls together the findings and discussions of the previous parts and reflects on the broader trends and differences between those Parts. It then sets out

concrete proposals for reforms to help ameliorate the challenges that the rise of pseudolaw is having on the administration of justice in South Australia.

5. CONCLUSION

Pseudolaw can appear ridiculous. It can involve arcane rituals, strange turns of phrase, and behaviours that – to outsiders – seem foolish. Yet, it is increasingly becoming apparent that pseudolaw is no laughing matter. Its rise as a distinct phenomenon has led to significant increases in workload for judicial officers and administrators in jurisdictions across the world. It has been implicated in acts of political and personal violence and imposes significant burdens on a wide range of government agencies.

Despite the rise in pseudolaw, its precise scale and the ways it manifests in different contexts remain poorly understood. While the phenomenon has a wide range of adverse impacts, research documenting and examining these effects is still limited. Pseudolaw is now a global phenomenon, and it is past time that we deployed a range of research methods to properly understand and respond to it. We hope this research can help minimise its disruptive impacts on society. While this project is designed to provide a targeted and detailed exposition of pseudolaw as it manifests in one discrete jurisdiction – South Australia, it is hoped and intended that the body of evidence derived from this project may be of interest and use far beyond this jurisdiction.

Part II: Understanding Pseudolaw

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1. OVERVIEW OF THE PSEUDOLAW PHENOMENON

This Part seeks to set out a brief overview of the pseudolaw phenomenon, highlighting its distinguishing features, common concepts, origins and history. Pseudolaw is a broad term that encapsulates a variety of legal arguments, approaches and theories presented as legitimate and authoritative law but not recognised or accepted within established legal systems.

Over the last few years 'pseudolaw' has come to be the preferred term to describe the collection of movements, groups and practices that share a common methodological approach to engaging with the law.[1] The phenomenon includes groups such as sovereign citizens, freemen of the land, 'detaxers,' American State Nationals, and the German *Reichsbürger* movement, as well as underpinning the beliefs of some 'micronation' proponents and many 'antivaxx' protesters. The phenomenon is decentralised and highly fragmented and includes many adherents who may not fit into (or self-identify as) any other existing grouping or movement.

Donald Netolitzky, the preeminent scholar on pseudolaw, describes it as 'a collection of legal-sounding but false rules that purport to be law'.[2] It is different from creative but unsuccessful advocacy because the structure of arguments does not follow conventional legal analysis. While pseudolaw adherents may cite real authoritative law, they do so unmoored from context using those sources for legal arguments that have no bearing on their core legal purpose. Instead, pseudolaw involves making a claim or claims according to some alternative basis or foundation that putatively enables the claimant to undermine or circumvent established legal authorities and obligations. This brief introduction provides different ways of characterising pseudolaw, the origins of it, and some implications.

A. The Elements of Pseudolaw

Pseudolaw is a global phenomenon, but adherents adopt similar themes and tactics. In a recent article exploring manifestations of pseudolaw in Australia and New Zealand, Hobbs, Young and McIntyre have argued that pseudolaw comprises three core elements:[3]

[1] Colin McRoberts, 'Tinfoil Hats and Powdered Wigs: Thoughts on Pseudolaw' (2019) 58 *Washburn Law Journal* 637.
[2] Donald J Netolitzky, 'A Rebellion of Furious Paper: Pseudolaw as a Revolutionary System' (Conference Paper, Sovereign Citizens in Canada Symposium, Centre d'expertise et de formation sur les intégrismes religieux et la radicalisation, 3 May 2018) 1 <https://doi.org/10.2139/ssrn.3177484>.
[3] Harry Hobbs, Stephen Young and Joe McIntyre, 'The Internationalisation of Pseudolaw: The Growth of Sovereign Citizen Arguments in Australia and Aotearoa New Zealand' (2024) 47(1) *UNSW Law Journal* 309, 311-316.

1. **Co-opted Form:** Pseudolaw borrows legal language and the form of legal argument to appear like accepted legal reasoning. Adherents present their arguments in a way that mirrors traditional legal methods. Litigants will draw on a range of international treaties, statutes and case law to provide a source-based form of reasoning that, to the untrained eye, reflects 'normal' legal argumentation. Because pseudolaw employs the formal rituals of mainstream legality, it raises unique challenges for judicial systems. For example, it may not be immediately clear why or how pseudolaw differs from novel argumentation developed from precedent or simple incorrect assertions of the law. But there are reasons why pseudolegal arguments will not be accepted in law.

2. **Contra-Narratives**: To understand why pseudolaw differs from creative or novel arguments, it is important to recognise that pseudolaw is built on substitute contra-narratives that create an alternative normative legal universe. Although pseudolaw and orthodox law share common legal instruments (such as statutes and case law), pseudolaw does not engage with the substantive norms, principles, or methods of orthodox domestic or international legal reasoning.[4] Instead, it relies on its own substantive norms and principles. These norms and principles comprise what Donald Netolitzky has described as the 'pseudolaw memeplex' and will be discussed below.

   The core distinction between creative legal arguments and pseudolegal arguments is that the former occurs within the conventional legal universe of substantive, coherent norms, while the latter occurs within a parallel and conspiratorial alternate legal universe consisting of fundamentally distinct substantive norms. The two approaches bear a superficial similarity, and it may not be possible to draw a clear line between them given the common forms and language. However, the underlying substance is wholly divergent.

3. **Internalised Beliefs**: Finally, adherents of pseudolaw movements present themselves as genuinely believing that their doctrines represent the *true* position of the law. For the believer, the mainstream or conventional law has been corrupted in some way, and has departed from the 'legal truth'. The pseudolaw adherent is nostalgic and desires to return the community to the single correct legal answer or approach that they hold. In this sense, believers are not anti-law, just anti-orthodox law. Believers thus possess an almost endearing commitment to legality and the rule of law *as they understand it*.[5] However, these arguments are, to those with any modicum of understanding of the legal system, entirely without foundation.[6] Edelman J has, for example, described the hypothetical sovereign citizen litigant as one who would argue by 'genuinely and honestly raising a claim that is utterly hopeless'.[7]

   This element helps explain the attractiveness of pseudolegalism: it allows adherents to simultaneously disregard existing legal norms and disempower state actors while retaining a self-conception of lawfulness and righteousness.

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[4] For a discussion and overview of this methodology, see Joe McIntyre, *The Judicial Function: Fundamental Principals of Contemporary Judging* (Springer, 2019).

[5] Chief Justice Peter Quinlan, 'The Rule of Law in a Social Media Age' (Speech, Sir Francis Burt Oration 2022, 3 November 2022) 19 <https://www.supremecourt.wa.gov.au/_files/Speeches/2022/TheRuleofLawinaSocialMediaAgeSirFrancisBurtOration2022.pdf>.

[6] *Sill v City of Wodonga* [2018] VSCA 195.

[7] Transcript of Proceedings, *Citta Hobart Pty Ltd v Cawthorn* [2022] HCATrans 1, [960] (Edelman J).

These three components help distinguish pseudolaw from other fringe law and law-adjacent movements. For instance, while conspiracy theorists tend to have a strong internalised belief and a clear contra-narrative, the arguments they make generally lack the co-opting of legal forms common to pseudolaw. Similarly, pseudolaw can be distinguished from the well-intentioned but misinformed litigant-in-person who attempts to use legal forms and structures, but given the absence of legal training, creates arguments that are nonsense. Such litigants may believe in their argument and may (to their eyes) be using the appropriate forms and structure, but they do not have the contra-narrative of the pseudolaw adherent.

We can also distinguish the bad faith actor who may adopt the forms of legal argument with the content of a contra narrative to undermine judicial proceedings. But not all pseudolaw actors operate in bad faith. Some, as we found in our study discussed below, appear genuinely misguided. Responses to pseudolaw must deal appropriately with both bad-faith actors and those who adopt pseudolaw because they are confused or uncertain.

B. Common Concepts and Pseudolegal Arguments

Pseudolaw adherents also draw on a similar set of concepts. Donald Netolitzky asserts that there is a 'pseudolaw memeplex' which has six core concepts. These concepts are applied in adapted form by pseudolaw adherents across the globe. They are:

1. Everything is a contract;
2. Silence means acceptance or agreement;
3. Legal action requires that there be an 'injured party';
4. Government authority is defective or at least limited;
5. The 'Strawman' duality; and
6. Financial and banking conspiracy theories.[8]

It is helpful to explore these concepts. In this brief introduction, we outline one of the most prominent concepts – the strawman duality.

The strawman duality holds that there are two classes of people. On the one hand, there are 'natural', 'flesh and blood' physical human beings, and on the other, there are 'artificial', persons ('strawmen') who possess a separate legal personality. Every person is born as an individual sovereign, with natural and inalienable rights (pseudolaw adherents might point to the Magna Carta to make this claim). Governments have no jurisdiction or authority over these persons. However, when a baby is born, the government issues a birth certificate for the child. In that action, a duplicate 'artificial' person is created by the government. It is that 'strawman' over whom the government has jurisdiction. As Vandogen J noted in *Kelly v Fiander*,[9] the strawman theory 'is based on the fundamentally misguided notion that there exists a physical human being and, at the same time, a separate non-physical person (a "doppelganger")'.[10]

The idea that an individual can somehow exist in two separate but related states – the natural person and the artificial doppelganger – can be described by adherents in different ways. In the Canadian case of *Meads v Meads*, Rooke ACJ observed:

[8] Netolitzky (n 2).
[9] [2023] WASC 187 (1 June 2023) ('*Kelly*').
[10] Ibid [11].

> The 'physical person' is one aspect of the duality, the other is a non-corporeal aspect that has many names, such as a 'strawman', a 'corporation', a 'corporate entity', a 'corporate fiction', a 'dead corporation', a 'dead person', an 'estate', a 'legal person', a 'legal fiction', an 'artificial entity', a 'procedural phantom', 'abandoned paper work', a 'slave name' or 'slave person', or a 'juristic person.'[11]

The benefit for the adherent is simple. Any responsibilities – including the obligation to pay income tax, possess a licence, or follow the road rules – are placed by the government on the strawman. After all, the flesh and blood person is born free. Unfortunately, for most people, because we do not know about the strawman duality, we accept the obligations the government places on us. For those who know the truth, however, the flesh and blood natural person can avoid these unwanted obligations by reasserting their natural sovereignty. As Vandogen J noted in *Kelly v Fiander*:

> A critical component of this strawman theory is the idea that government authority over the physical person can be negated by removing the doppelganger. In straightforward terms, this is said to be achieved by revoking or denying the legitimacy of the contract. This then has the effect of removing any government authority over the physical person.[12]

Adherents employ various legal rituals to perfect severance. This may, for example, involve trying to get the court to acknowledge that they are appearing as a 'flesh and blood man' or 'individual person',[13] or as the 'executor' of the artificial strawman,[14] in the belief that this will be effective evidence of the state recognising its assertion of natural sovereignty. Adherents will commonly attempt to demonstrate their rejection of the state's claim to authority by writing their name on legal documents in non-standard ways. This use of ritual, language and form may include capitalisation, inappropriate punctuation, and obscure or obsolete legal, quasi-legal or Latin terminology. To understand the significance of these elements, it is essential to explore the historical and social contexts that gave rise to pseudolaw, illustrating how its origins shape its contemporary manifestations.

C. The Origins and History of Pseudolaw

Pseudolaw has a complex history, with roots in various legal and political movements. Its origins can be traced to several sources with the main source being the sovereign citizen 'movement' from within the United States of America. It is difficult, however, to claim that there ever was a sovereign citizen *movement*; it is more accurate to state that sovereign citizens (and pseudolaw) constitute an 'evolutionary accretion' of several loosely organised groups.[15] These groups include the Posse Comitatus, the Common Law movement, anti-tax protestors, and the anti-government Patriot Movement.

The Posse Comitatus was a radical right-wing militia influenced by extremist and racist Christian theology. Its founder was American William Potter Gale.[16] Gale claimed that the true common law was found in the Bible and that the highest level of political authority was the

[11] *Meads v Meads* [2012] ABQB 571 [417].
[12] *Kelly* (n 9) [13].
[13] *Deputy Commissioner of Taxation v Cutts (No.4)* [2019] FCCA 2866 (10 October 2019) [127].
[14] *Kelly* (n 9) [17].
[15] See Stephen Young, Harry Hobbs, and Rachel Goldwasser, 'The Rise of Sovereign Citizen Pseudolaw in the United States of America' in Harry Hobbs, Stephen Young and Joe McIntyre (eds), *Pseudolaw and Sovereign Citizens* (Hart, 2025 – forthcoming) Ch 6.
[16] Michael Barkun, *Religion and the Racist Right: The Origins of the Christian Identity Movement* (University of North Carolina Press, 1997) 69, 207.

county sheriff. Drawing together Christian fundamentalism and white supremacism, Gale maintained that he had access to God's true law and that the US Federal Government had been infiltrated by an international cabal of Jewish bankers. The true law could be restored by Christian citizens forming a posse and serving God – and refraining from following federal laws or supporting federal actors seeking to enforce the law. During the 1970s, the Posse ideology spread through the United States as small groups of individuals formed their own Posses. As members of the Posse died or were imprisoned, the Posse's ideology survived as it mutated.[17]

Two groups developed out of the Posse. The first can be called the 'Common Law Movement'. These individuals embraced the nascent legalism of the Posse and expanded it in inventive ways. They set up common law schools and courts. They learned about the 'common law' and used their own courts to remove the Federal Government's claims against their identity. If they cleared their identity from Federal control, they became 'sovereign citizens' of the state or 'freemen'. From this idea sprung the notion of the Strawman argument, that they could dissociate their identity in Federal law from their true 'flesh and blood' self. The second movement that formed was the more militant, anti-government Patriot Movement. While they believed many of the same things embraced in the Common Law Movement, they were willing to rebuff the Federal Government by exercising their right to bear arms.

Over time, the legal claims put forth by these groups have come to be identified as 'sovereign citizen pseudolaw'. Proponents assert that the government is corrupt or operates as a corporation, claiming they are free individuals not bound by state laws and instead adhere to a form of common law. As these ideas have taken on a more 'legalistic' appearance, they have proliferated online, inspiring individuals worldwide to adopt these beliefs in increasingly creative – and often misguided – ways. Embracing these claims, however, can lead to severe consequences, including financial loss, incarceration, and legal repercussions. This is because individuals find themselves at odds with legal systems that do not recognise their interpretations of law.

2. THE IMPACTS OF PSEUDOLAW

Pseudolaw does not work. It is, though, a growing phenomenon that poses significant challenges not only for adherents but also for society as a whole. As more people turn to pseudolegal arguments, they frequently encounter a range of negative effects like financial burdens, personal distress, legal entanglements, social isolation.

Pseudolaw arguments are almost always rejected as baseless or frivolous. They almost always lead to unfavourable results for the claimant, including additional penalties, fines, and contempt of court. As Hobbs, Young and McIntyre have noted, these tactics also waste significant court resources.[18] In addition to having legal implications, individuals who attempt to use pseudolaw often face worsening financial implications. While many who use pseudolaw may be attempting to avoid debts or tax obligations, adopting pseudolaw can lead to additional legal actions from tax authorities, fines, or asset seizure. While pseudolaw may be promoted as a way of controlling one's financial assets, it typically has the complete opposite effect.

[17] Mark Pitcavage, 'Common Law and Uncommon Courts: An Overview of the Common Law Court Movement' *Militia Watchdog* (25 July 1997) 3.
[18] Hobbs, Young and McIntyre (n 3) 339.

Given that pseudolaw has negative legal and financial implications, it also has poor social implications. Those who promote pseudolaw can undermine social cohesion and build distrust in government and legal authorities. Pseudolaw promotors – often called 'gurus' – can create confusion about the role of government or authorities, leading to increasing challenges that also make the efficient use of judicial resources more challenging.

Lastly, individuals who employ pseudolaw may experience a range of personal negative effects. Those using pseudolaw are typically facing some sort of legal issue, but using pseudolaw makes those issues worse. It can exacerbate legal and financial difficulties and increase social alienation from family and friends (or replace family and friends with online supporters). Given that pseudolaw never works (even though gurus and adherents maintain that it will) it can increase frustration and disillusionment with authorities and society as a whole.

The authors of this study are motivated by these negative society-wide effects. Understanding its spread can shed light on broader societal issues, including the erosion of trust in legal institutions and the potential for social unrest. Critically, by understanding the phenomenon, we are in a far better place to develop responses that can help ameliorate the significant detrimental impacts the phenomenon is increasingly having.

Part III: Database Analysis of Reported Pseudolaw Cases

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Summary of Findings

A review of the published case records in South Australia shows that pseudolaw is emerging as a distinct phenomenon in South Australian case law. The analysis found 50% more pseudolaw cases in the last 10 years than in the previous 40 years, and the phenomenon is still growing. In total, 69 cases were identified between 1973 and 2024.

The data demonstrates some distinct patterns in the types of cases in which pseudolaw arguments are being used. Although the cases are relatively evenly distributed between civil and criminal matters, there is a significant majority of self-represented applicants/appellants. The data also shows that the majority of cases were heard in the Supreme Court of South Australia. The remainder of the identified cases were heard in the Court of Appeal, the District Court of South Australia, and one each in the South Australian Civil and Administrative Tribunal and the Industrial Relations Tribunal. The overwhelming representation of the Supreme Court is likely in part due to the fact that most of the cases are appeals. It is also, in part, due to the fact that the dataset is restricted to cases on the public record, which eliminates those heard in the lower courts – primarily the Magistrates Court.

The pseudolaw adherents which were identified in this dataset are overwhelmingly male, and there are four individuals (all male) who are heavily represented in the cases, making up almost 30% between them.

The pseudolegal argumentation which is being deployed in these cases can be categorised into six areas: strawman arguments, law is a contract, state law is defective, private prosecution, other, and pseudolaw adjacent. Strawman arguments are significantly less represented in the dataset than expected, most likely due to the absence of case records from the lower courts – particularly the Magistrates Court. The most common argument is that the law is defective, and there are a number of cases which display pseudolegal type arguments without specifically demonstrating an argument which makes up one of the first three categories. The final category, pseudolaw adjacent, is distinct from the 'other' category in that there are no arguments made which are, on their face, pseudolegal argumentation. However, they do have ties with other cases in the dataset – either due to the parties involved, or some other similarity.

1. OVERVIEW AND RESEARCH OBJECTIVE

The first phase of the project involved the construction of a database of reported cases from South Australia that could be categorised as 'pseudolaw' cases. These cases were coded against a number of criteria, examining the type and nature of proceeding, the nature and identity of the parties, and the types of arguments used in the case. The objective of this process was to identify any trends or patterns that emerge from the reported pseudolaw cases in South Australia, and to identify whether this constitutes a distinct and growing social phenomenon.

The database augments the interview-based research with a more traditional doctrinal analysis of pseudolaw cases, which maps the forms and nature of pseudolaw argumentation. The focus is on the *visible* and *public* way in which the courts engage with pseudolaw, through the lens of the most visible artifact of the courts – the written public judgment. Nevertheless, what is "seen" through public databases is not the entirety of the record of such cases; it excludes the multitude of cases where the judgment is not published. However, the visible and accessible artifact of the written judgment provides an effective means of assessing how the phenomenon can be understood by those outside of the courts.

In employing an empirical doctrinal mode in this analysis, this research brings together two distinct forms of research to help map pseudolaw.

A. Doctrinal Research of Pseudolaw

To understand this use of empirical doctrinal method it is necessary to understand the basic contours of this method, and how it may be used in the context of pseudolaw. The 'doctrinal legal research methodology' is the dominant research method in both the professional practice and academic study of the law. This methodology, sometimes referred to as 'black letter' methodology, focuses on the letter of the law rather than the law in action. The ubiquity of this method within the legal epistemic community means that for many legal academics, there has never been any need to identify it as a *distinct* methodology: it is simply what we do. As Hutchinson and Duncan note:

> The doctrinal method lies at the basis of the common law and is the core legal research method. Until relatively recently there has been no necessity to explain or classify it within any broader cross-disciplinary research framework.[1]

At its most general, doctrinal legal research is 'research into the law and legal concepts'.[2] Doctrinal analysis involves the detailed examination and description of legal rules, norms and principles ('the law') as found in primary legal sources (cases, statutes, or regulations). In doing so, it invites a 'synthesis of various rules, principles, norms, interpretive guidelines and values', and aims to explain, make coherent or justify a segment of the law as part of a larger system of law.[3] As Smits notes, traditional legal doctrinal analysis:

[1] Terry Hutchinson and Nigel Duncan, 'Defining and Describing What We Do: Doctrinal Legal Research' (2012) 17(1) *Deakin Law Review* 83.
[2] Ibid 85.
[3] Trisha Mann (ed), *Australian Law Dictionary* (Oxford University Press, 3rd ed, 2010).

> ...aims to give a systematic exposition of the principles, rules and concepts governing a particular legal field or institution and analyses the relationship between these principles, rules and concepts with a view to solving unclarity and gaps in existing law.[4]

Doctrinal analysis is the lifeblood of 'law in action', and the primary mode of substantive discourse with the entire legal epistemic community – academic, professional and judicial. It is the shared language that makes law possible. There are three essential components of legal doctrinal analysis. First, it employs an internal point of view of an actor within the legal system.[5] Second, it requires that the law be viewed as a coherent *system*, where doctrines and rules are related, interconnected and intertwined.[6] Third, it requires the researcher to identify and assess the law in its present state.[7]

At first glance, it may make little sense to understand pseudolaw through doctrinal methods. After all, *pseudo*law is *not* law. If doctrinal analysis is the study of the primary sources of law from the perspective of legal participants, it may appear nonsensical to attempt to identify the sources of 'law' those arguments rely on. However, there are two responses to this apparent error in methodology. First, while pseudolegal arguments may be incomprehensible to the outsider, they draw on similar and comparable themes and bases that can be considered legal arguments that exist in an 'alternative legal universe'.[8] This invites an analogous form of doctrinal analysis that mirrors that found in traditional legal scholarship. Secondly, and more directly, the modes of pseudolegal argumentation used by adherents can be conceived of as factual objects of inquiry that are discussed and analysed by judges in legal cases, allowing a doctrinal analysis of those secondary judicial discussions. In this way, judges will – in a manner that reflects orthodox doctrinal reasoning – analogise and distinguish cases where a party has made similar sounding arguments. The most significant of these cases is the Canadian case of *Meads v. Meads*.[9]

In the Australian context, Queensland Magistrate Glen Cash, writing extra-judicially, provided one of the first surveys of the Australian pseudolaw experience in 2022. In that piece, he observed that pseudolaw adherents engage in a kind of magical thinking[10] to avoid unwanted legal consequences. More recently, three of the authors of this report (Hobbs, Young & McIntyre) undertook a doctrinal analysis of the forms of pseudolegal argumentation as they appear in the reported judgments of Australia and Aotearoa New Zealand.[11] In that work, they identified three broad categories of arguments: (1) The Strawman Argument; (2) Absence of Individual Consent; and (3) State Law is Defective.[12]

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[4] Jan Smits, 'What is Legal Doctrine? On the Aims and Methods of Legal-Dogmatic Research' in Rob van Gestel, Hans-W Micklitz, Edward Rubin (eds), *Rethinking Legal Scholarship: A Transatlantic Dialogue* (Cambridge University Press, 2017) 210.

[5] Oliver Wendell Holmes, *The Common Law* (1881) 163; Smits (n 44) 210.

[6] Grant Lamond, 'Analogical Reasoning in the Common Law' (2014) 34 *Oxford Journal of Legal Studies* 567, 581; Smits (n 44) 210.

[7] Smits (n 44) 210; Christopher McCrudden, 'Legal Research and Social Sciences' (2006) 122 *Law Quarterly Review* 632; Terry Hutchinson, *Researching and Writing in the Law* (Thomas Reuters, 4th ed, 2018) 37.

[8] Harry Hobbs, Stephen Young and Joe McIntyre, 'The Internationalisation of Pseudolaw: The Growth of Sovereign Citizen Arguments in Australia and Aotearoa New Zealand' (2024) 47(1) *University of New South Wales Law Journal* 309, 324.

[9] *Meads v Meads* [2012] ABQB 571.

[10] Glen Cash, 'A Kind of Magic: The Origins and Culture of "Pseudolaw"' (Paper delivered to the Queensland Magistrates' State Conference, 26 May 2022).

[11] Hobbs, Young and McIntyre (n 8); Stephen Young, Harry Hobbs & Joe McIntyre, 'The Growth of Pseudolaw and Sovereign Citizens in Aotearoa New Zealand Courts' [2023] 2 *New Zealand Law Journal* 6.

[12] Hobbs, Young and McIntyre (n 8) 324.

Taken together, these works make clear that it is now well established that doctrinal methods can be used to help understand the arguments pseudolaw adherents use, and to trace how those arguments are used in – and by – courts.

B. Empirical Analysis of Pseudolaw Cases

Legal doctrinal analytical research involves two essential mechanisms: first, one must locate the law;[13] second, one must analyse the law.[14] For most legal scholarship, the second of these is the key skill – law is a discursive enterprise where the mode and form of analysis are paramount. However, it is also possible to undertake a more deliberate approach to the task of location, elevating that element to a focus of inquiry. This more explicitly quantitative approach can take the legal case itself as the object of inquiry and adopt empirical modes of analysis to examine trends and behaviours of a given phenomenon. In this context, the focus shifts from examining 'what the law is' to instead examining discrete issues, such as 'how many of these cases are there'. This is a largely factual form of inquiry as opposed to the inherently normative and discursive process of doctrinal analysis.

C. Research Question

For this part of the project, the key objective is to identify any trends or patterns that emerge from the reported pseudolaw cases in South Australia to ascertain whether this constitutes a distinct and growing social phenomenon. The research has focused on the following questions:

1. Is there evidence that pseudolaw is emerging as a distinct phenomenon in the public case law of South Australia?
2. What types of cases are pseudolaw arguments being used in (nature, type, jurisdiction etc)?
3. What are the forms of pseudolegal argumentation that are being deployed in these cases?

To answer these questions, it is necessary to adopt a mixed empirical/doctrinal method: whereas the first two questions can be assessed in a relatively objective manner, the third question involves a form of content analysis that requires a degree of doctrinal assessment. To this extent, this study adopts a methodology that is very similar in form to that utilised by Marilyn McMahon in her study – though the object of inquiry is distinct. Whereas McMahon focused on the narrow sub-category of 'sovereign citizens' in the broader domain of all Australian jurisdictions,[15] this study's focus is distinct. Here we focus on the broader category of 'pseudolaw' cases (which includes within it instances of 'sovereign citizens'), but only as they occur in the jurisdiction of South Australia.

We constructed a database of reported cases from South Australia that could be categorised as 'pseudolaw' cases. The methods involved in the development of this database are outlined below in section 2. The identified cases were then coded against a number of criteria, examining the type and nature of proceeding, the nature and identity of the parties, and the

[13] Hutchinson and Duncan (n 1) 110.
[14] Ibid 111.
[15] Marilyn McMahon, 'Asserting Sovereignty: An Empirical Analysis of Sovereign Citizen Litigation in Australian Courts' in Harry Hobbs, Stephen Young and Joe McIntyre (eds), *Pseudolaw and Sovereign Citizens* (Hart, forthcoming).

types of arguments used in the case. In section 3 we analyse the more objective elements of the cases (nature/type/jurisdiction/identity) to answer the first two research questions. In section 4 we analyse the specific content of the cases in a more doctrinal manner to provide an answer to the third research question.

2. DEVELOPMENT OF DATABASE

The first step in this process was the construction of a database of pseudolaw cases. This section outlines the methodology by which the database of cases was created. This involves issues of both scope of inquiry and source of data.

A. Scope of Database

The purpose of this database was to enable us to examine the scale and nature of psuedolaw as a (potentially emerging) phenomenon in South Australia. This imposed important limitations on the scope of inquiry:

(1) Jurisdictional: Only cases from South Australian courts and tribunals were included in this database. No distinction was drawn between formal judicial and quasi-judicial administrative bodies. However, this limitation meant that cases which may have involved South Australian litigants but were heard in Federal courts or tribunals were excluded.

(2) Temporal: There was no strict temporal limit to the cases that were considered, however the earliest case identified was 1973. While it may be possible that earlier cases fitting the description of 'pseudolaw' could be identified, there are two key reasons why the focus has been on more recent cases: (1) as our focus is on the contemporary emergence of the phenomenon, it made sense to focus principally on more recent cases; (2) while fringe legal arguments may have been present historically, the modern phenomenon of 'pseudolaw' has been recognised as originating in the US in the 1970s.[16] As a result, the principal focus has been on cases from the last 40 years. The database captures cases up until January 2024.

(3) Subject Matter: Our focus has been on the broader concept of 'pseudolaw',[17] rather than any particular manifestation or sect or movement that utilises pseudolegal arguments (such as 'sovereign citizens', 'freemen of the land' etc). This was because our focus was on what happened in court (where such affiliations may not be clear) and because such affiliations tend to be amorphous and contingent.

(4) Public: Finally, our focus here has been on the publicly available cases involving pseudolaw and has consciously excluded unreported judgments. This focus was important for three reasons. First, this was a small-scale project with limited funding. The task of accessing and identifying unreported judgments, which would not have the benefit of electronic searching, was beyond the resources of the project. Secondly, many of those judgments may never have been reduced to written form, instead being

[16] Stephen Young, Harry Hobbs and Rachel Goldwasser, 'The Rise of Sovereign Citizen Pseudolaw in the United States of America' in Harry Hobbs, Stephen Young and Joe McIntyre (eds), *Pseudolaw and Sovereign Citizens* (Hart, forthcoming).
[17] On the definition of pseudolaw, see Pt II.

> delivered on an *ex tempore* basis by the sitting magistrate. The recorded order would provide minimal detail of the key issues of inquiry, which may only emerge from analysis of the (inaccessible) recording/transcript. Thirdly, as those judgments are difficult for everyone to access, they are not as impactful upon the public understanding of the phenomenon. These unreported judgments do not, therefore, contribute to the visible 'doing' of the courts.

These limits represent the principal constraints in the design of the database, allowing a sufficient capture to enable the research questions to be addressed, while helping to maintain an achievable scale.

B. Identification of Cases

Within these constraints, we undertook a process of searching through key public databases of reported cases to identify relevant 'pseudolaw' cases. The following section outlines this process.

i. Relevant Public Databases

It was first necessary to identify the databases to be used. While there are a number of possible such databases, we chose to utilise the (paywalled) 'Westlaw Australia'[18] database in the first instance which was then supplemented by searches of (open access) 'AustLII'.[19] These databases are broadly accessible (at least to legal professionals) and representative of the primary sources of case law in Australia.

As stated above, one of the principal constraints on the construction of the case database was to limit it to publicly accessible cases. This limited the findings to reported cases. The effect of this constraint was to limit cases to those heard in higher courts – effectively only the South Australian Supreme Court and Court of Appeal (though not decisions of Supreme Court Masters, which are unreported). This is because cases heard in the lower courts are not publicly reported or accessible. To access these cases, it would have been necessary to request and pay for transcripts from the Magistrates Court Registry. This would have been costly and time consuming. The absence of data from the lower courts, and particularly the Magistrates Court jurisdiction, is a real and significant limitation on the comprehensiveness of the findings of this report. It is evident from the data collected via interviews (discussed in Part IV) that a large number of pseudolaw arguments are heard at the Magistrates Court level.

Nevertheless, despite these constraints, these databases are appropriate for the research questions. They are representative of the dominant means by which the public, the profession, and the judiciary access case law in Australia.

ii. Search Terms Used

The databases identified above were searched using their respective search functions to try and identify relevant cases. The initial search terms included "pseudo law", "pseudo legal", "straw man" and "magna carta". These basic pseudolegal terms produced minimal results (n=6), which while not initially encouraging was also not surprising. In her recent study looking

[18] *Westlaw Australia*, https://www.thomsonreuters.com.au/en-au/products/westlaw.html.
[19] The *Australian Legal Information Institute*, www.austlii.edu.au

specifically at the 'sovereign citizen' movement, McMahon found no sovereign citizen cases in South Australia.[20] It was clear from initial discussions with potential participants, and through anecdotal evidence from practitioners and judicial officers, that this was not representative of the phenomenon in South Australia.

As a result, it was necessary to adopt a more flexible and responsive list of search terms, in part because the pseudolaw phenomenon is not restricted to a single discrete movement (such as sovereign citizens or freemen of the land). This is consistent with the fact that the focus of this research is on the broader phenomenon, irrespective of how it is identified by adherents or other participants. It was necessary, therefore, for the search to utilise a chain-referral ('snowball') strategy and additional search terms were identified during consideration of the results of the initial searches.

Table 9: Search Terms Utilised

God's law	"governor-general" AND "pound"	"federal citizenship"
Law of God	"commonwealth public official" AND "oath"	"common-law" % "common law"
Bible law	"commonwealth public official"	"qui non negat fateteur" OR ""He who does not deny, admits"
Scripture AND sovereignty	"51(xxiiiA)"	"taxes" AND "without consent"
Vatican city	"conscription" AND "COVID-19"	"taxes" AND "without consent"
Removal of the Crown	"local government" AND "constitutional recognition"	constitution act" AND "contractual obligations"
Natural identity	"properly sworn in"	Constitution act AND contractual rights
Coram non judice	"no state borders"	Higher laws
Created fiction	"colonial boundaries"	covid-19"* AND "nuremberg"
Created fictions	"state borders"	"international treaty" AND "force of law"
English Bill of Rights	"chapter III court"*	"oath #of allegiance"
Living sovereign man	"letters patent"	"silence means agreement"
Sovereign man	"natural rights"	"refused to plead guilty"
Sovereign person	"anti-vax" OR "anti-vaccination" OR similar	"refused to attend"
Sovereign woman	"split-person" OR "split person"	"without merit" AND "constitution"
Coronation oath	"inalienable rights"	"islamic constitution"
No foundation in law	"birth certificate" AND "capital"	Slave's title
Copyright AND birth certificate	"artificial personality" OR "artificial person"	United Nations AND "the voice"
Crown copyright AND birth certificate	"natural living man" OR "natural living woman" OR "natural living"	Sovereignty AND "never ceded"
Clausula Rebus Sic Stantibus	"sovereign freeman"	"antisemitic"
Legal name AND police	"legal fictions"	"native title" AND "mortgage"
"red version" AND "constitution"[21]	"living sovereign"	"native title" AND "without merit"
"red" AND "green" AND "constitution" [22]	"artificial construct"	"court challenge"
"vehicle registration" AND "constitution"	"corporate name"	"maxims of law"
"Motor Vehicles Act 1959" AND "constitution"	"accept the role of defendant"	"children" AND "personal property"
"grand jury"	"patronymic"	"own the children"
"preamble" AND "commonwealth constitution"	"rules of English grammar"	"mischief" AND "Contract"
"s 115" AND "commonwealth of Australia constitution act"*	"foreign situs trust" OR "situs trust"	"bible law" OR "law of the bible"
"freedom of travel"	"sovereign soul"	"illegal to use legal name"

[20] McMahon (n 15).

[21] This is based on the argument that there are two Australian Constitutions: a red and green version, only one of which is legitimate. See, David Williams, 'Two Constitutions Claim is Sovereign Citizen Silliness', *AAP* (22 September 2023), https://www.aap.com.au/factcheck/two-constitutions-claim-is-sovereign-citizen-silliness/.

[22] Ibid.

"s 92" AND "constitution" AND "register"*	"suri juris"	"appearing as agent"
"constitution" AND "unregistered" AND "vehicle"	"agents of the State"	"vi coactus"
"s 100" AND "water" AND "constitution"	"non citizen" % "unlawful non citizen"	
"peace order and good government" AND "invalid"	"unalienable rights"	
"privy council"	"surrender my rights"	

* And other variations of this search

Many of the search terms listed above did not produce cases in South Australia. Ultimately, we were able to identify **n=69 pseudolaw cases**. The specific terms used to identify these cases are outlined in the below table.

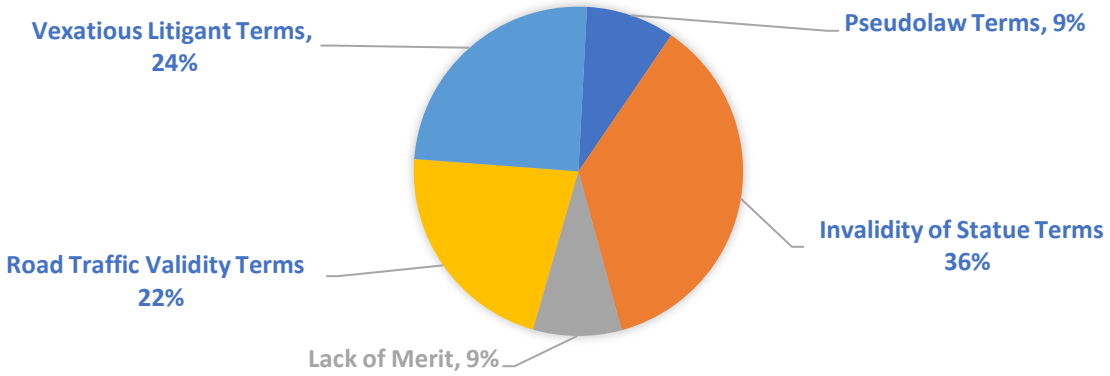
Table 10: Number of Cases Identified by Search Terms

Search Term Used	No of Cases
Pseudolaw Terms	**6**
"Pseudo law"	1
"Strawman"	1
"Pseudo legal"	2
"straw man"	1
"original sovereign"	1
Invalidity of Statue Terms	**25**
"Validity of the Australia Act"	1
"independent province"	1
"local government act" AND "constitution act"	1
"income tax" AND "constitution" AND "validity"	2
"coram non judice"	2
"human rights" AND "COVID-19"	1
"local government" AND "constitution" AND "rates"	2
council AND "constitution" AND "council rates"	1
"act of settlement"	1
"magna carta"	3
taxation AND "legal entity"	1
treason	3
"oath of office"	1
Constitution Act 1934 AND "invalid"	1
"maxims of law"	2
"immunity from suit"	1
"queen of australia"	1
Lack of Merit	**6**
"self-represented" AND "appeal dismissed"	1
"unintelligible"	1
"without merit"	3
"without merit" AND "constitution"	1
Road Traffic Validity Terms	**15**
"constitutional validity" AND "road traffic act"	1
'constitutional' AND 'road traffic act'	4
"road traffic act" AND "national measurements act"	4
"road traffic act" AND "Chapter III"	1
"national measurement act" AND "speed"	2
"australian road rules" AND "constitution"	2
vehicle registration AND "constitution"	1
Vexatious Litigant Terms	**17**
"Peter Scott Haughton"	5
"Gordon Howie"	2
"Howie"	3
"Kiparoglou"	5
"tony rowe"	1

"georganas"	1
Total	**69**

These search terms can be grouped together into five principal categories of search terms: (1) Pseudolaw Terms (n=6, 9%); (2) Invalidity of Statue Terms (n=25, 36%); (3) Lack of Merit (n=6, 9%); (4) Road Traffic Validity Terms (n=15, 22%); and (5) Vexatious Litigant Terms (n=17, 25%). This can be visualised in the following manner:

Figure 3: Search Term Used by Category



Despite the method outlined above, we recognise that this dataset cannot be exhaustive of reported pseudolaw cases. First, this is because there are no standardised terms to label these cases either in the report, or in the reporting databases. Instead, we rely on a range of different terms and language which will necessarily be approximations and proxies. Secondly, in some cases the explicit psuedolaw claims occurred at a lower court hearing, which, because they were not reported, are not included in this database. The judgment on appeal may then make reference to the trial judgment, only dealing with the pseudolaw claim indirectly. For example, in *Geoganas v Georganas*,[23] Doyle J held:

> … the arguments raised below in opposition to the orders sought – as summarised in paragraph [6] of the Master's reasons, and involving various, largely unparticularised, assertions of treason, fraud and fictitious people – were, and are, entirely without merit.[24]

It is only because we know of this case from the interviews (see Part IV) that we can identify this as a pseudolaw case. It is impossible to effectively know how many other such cases there are. Nevertheless, the database represents a statistically useful set of cases to identify trends and patterns, and to be able to analyse the resultant pseudolaw cases.

3. ANALYSIS 1 - THE NATURE AND TYPE OF CASES

Following the creation of the database of pseudolaw cases, the next task was to code those cases against a number of criteria to enable us to interrogate the key research questions. This process was divided into two parts – the first focused upon the nature and type of pseudolaw cases; the second on the type of pseudolaw arguments presented in the cases. This section focuses on the first of these. It is designed to help understand whether there is evidence of the

[23] *Georganas v Georganas* [2024] SASC 1 (17 January 2024).
[24] *Georganas v Georganas* [2024] SASC 1 (17 January 2024) [10] (Doyle J).

emergence of a pseudolaw phenomenon in South Australia, and if so, in what types of cases it is occurring.

A. Method for Coding Nature and Type of Cases

In this phase, each case was analysed and coded against two overarching categories of criteria. The first 'Case Identifying Data' was directed to the identification of each case, and included a number of modes of identification to enable replicability and location of cases. The second overall category, 'Case Overview Data', included seven key datapoints to enable us to analyse the type and nature of the case, and the parties to that case. The relevant criteria are as follows:

Table 11: Criteria for Coding

Overall Category	Specific Criteria
Case Identifying Data	Year
	Case name
	Citation
	Link
Cases Overview Data	Self-represented
	Civil or Criminal
	Nature of Hearing
	Jurisdiction
	Success
	Gender of Applicant
	Traffic Matter

These specific criteria were developed in an iterative process to allow an appropriate degree of differentiation between cases. For example, over the course of the project the issue of applicant demographic became increasingly relevant and while limited data was available in the cases, it was possible to identify the gender of applicants as part of that broader issue. Similarly, 'traffic law' emerged as a key site of pseudolaw activity, and it was possible to identity this subject matter with minimal additional effort. Each case was downloaded, and manually assessed to enter the data on these criteria. Each of these criteria are largely objective. While familiarity with the mode of reporting was necessary to extract the data from the case, minimal evaluative discretion was necessary for this task.

B. Key findings on Type and Nature

The following section outlines the key findings of this analysis with respect to the type and nature of reported pseudolaw cases. We found evidence of a growth of pseudolaw cases, particularly in the last five years. It is, therefore, appropriate to identify pseudolaw as a distinct emergent phenomenon in South Australia case law. This data also allows us to identify the types of matters where pseudolaw is present in reported cases.

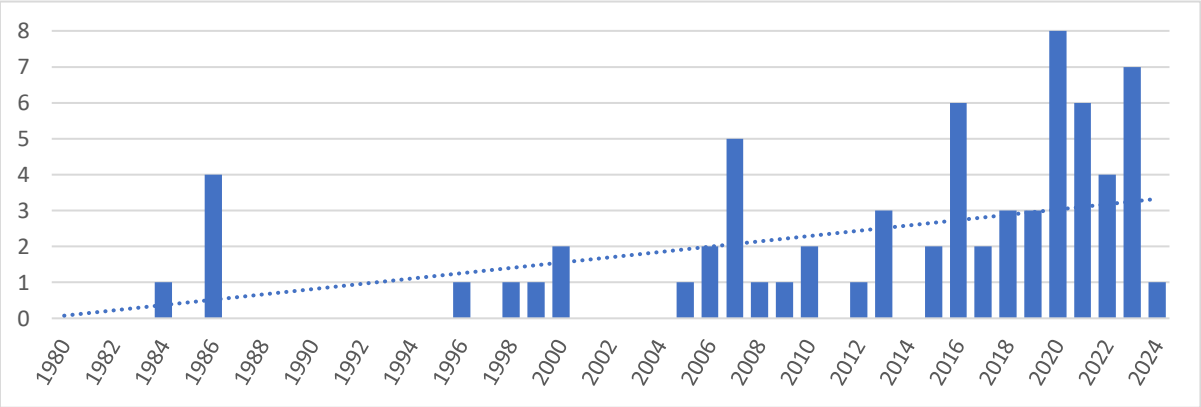
i. Occurrence over Time

Applying the methodology described above, we identified n=69 pseudolaw cases, with the earliest case occurring in 1973,[25] and the most recent case occurring at the end of the survey

[25] *Howie v Hollobone* (1973) SASR 148.

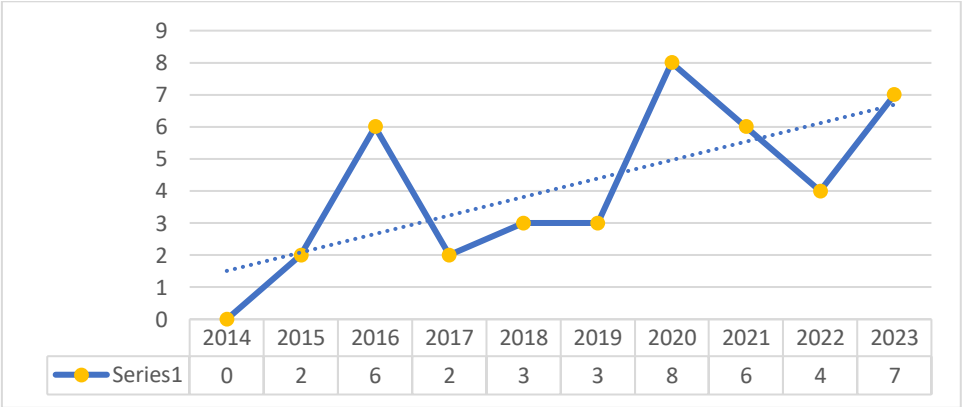
period in January 2024.[26] There has been a growth in the rate of these cases, with 50% more pseudolaw cases (n=42) in the last 10 years than in the previous 40 years (n=27). This is evident from the data in Figure 4 below:

Figure 4: Pseudolaw Cases Over Time (1980-2023)



The trend towards a greater number of pseudolaw cases accelerated in recent years. The final five full years in this set (2019-2023) saw more cases (n=28) than the first 40 years of the dataset (1973-2014). This is seen in Figure 5 below:

Figure 5: Recent Pseudolaw Cases Over Time (2014-2023)

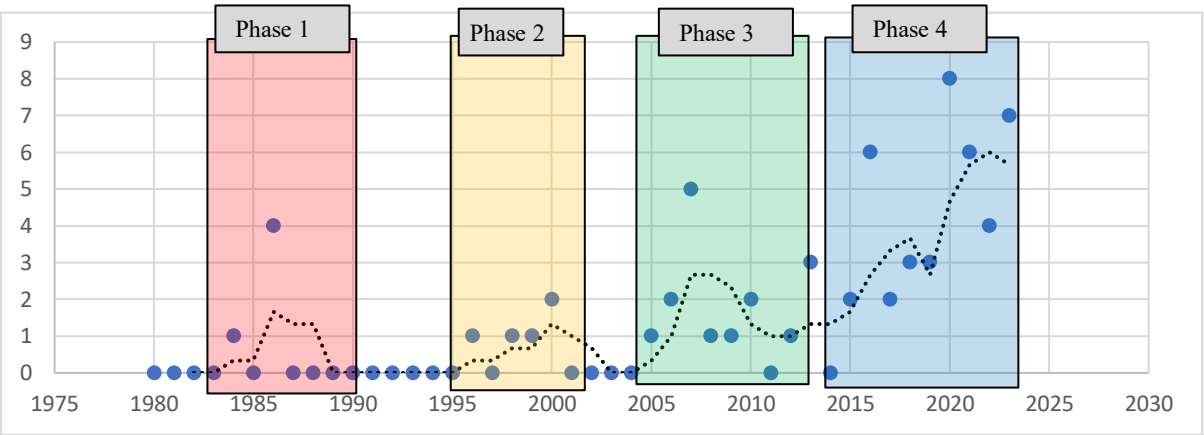


This trend becomes even more apparent when considering only the last decade. At the start of this period there was an average of just under **two** pseudolaw cases reported in South Australia each year. By the end of this period there are now nearly **seven** pseudolaw cases reported each year. While this may not initially appear significant, it must be remembered that these cases are only the reported cases. There are many more unreported cases, and many more issues that are not addressed in court. Only a small portion of all pseudolaw cases will make it to the Supreme Court (the principal jurisdiction where the majority of judgments are reported). Even within the constraint of public reported cases – which is consistent across the span of this study – there is evidence of growth.

One unexpected result in this data is that it illustrates four broad phases of pseudolaw argumentation in the last 50 years. This can be seen in the figure below:

[26] *Georganas v Georganas* [2024] SASC 1 (17 January 2024).

Figure 6: Distinct Phases of Pseudolaw Cases in South Australia



In this figure, the black dotted line represents the moving three-year trendline, which illustrates the emergence of each of these four phases. The number of cases in each phase are as follows:

Table 12: Distinct Phases of Pseudolaw Cases in South Australia

Phase #	Period	No of Cases	Name
Phase 1	1973 - 1986	6	The 'Lone Wolf' Period
Phase 2	1996 - 2000	5	The 'Unaffiliated Pseudolaw' Period
Phase 3	2005 - 2013	16	The 'Movement Pseudolaw' Period
Phase 4	2015 - 2023	42	The Contemporary Pseudolaw Period

Interestingly, these phases do reflect broader trends in the literature and case law. For example, Netolitzky has characterised pseudolaw in Canada as occurring in three phases; the 'Early Influences', 'First Wave' (early 2000 – 2014) and 'Second Wave' (2020 onwards).[27] While there is not yet a definitive history of pseudolaw in Australia,[28] it is possible to identify certain practices.

For example, the ***Phase 1*** cases in our dataset are almost overwhelmingly driven by the actions of a single applicant, Gordon Howie, who initiated a series of cases in the 1970's and 1980's.[29] This is evocative of the series of cases over several decades brought by serial litigant Alan Skyring.[30] It is also consistent with the development of individuals purporting to secede and establish their own micronations across Australia. Prominent examples include the Principality of Hutt River in Western Australia (1972) and the Province of Bumbunga in South Australia

[27] Donald Netolitzky, 'The Sun Only Shines on YouTube: The Marginal Presence of Pseudolaw in Canada' in Harry Hobbs, Stephen Young and Joe McIntyre (eds), *Pseudolaw and Sovereign Citizens* (Hart, forthcoming).
[28] Cash (n 10).
[29] *Howie v Hollobone* (1973) SASR 148; *Howie v Scheer (No 1)* (1986) 59 LGRA 342; *Howie v Scheer [No 3]* (1986) 59 LGRA 367; *Howie v Scheer (No 4)* (1986) 61 LGRA 44.
[30] For an overview of the impact and various cases that Skyring initiated, see Robert Sudy, 'Alan Skyring' *Freeman Delusion* (2023) https://freemandelusion.com/wp-content/uploads/2023/04/Alan-Skyring-1.pdf. See also Hobbs, Young and McIntyre (n 8) 336-338. For an illustrative smattering of cases, see *Skyring v Commissioner of Taxation* (Supreme Court of Queensland, McPherson J, 19 August 1983), 4; *Skyring v Commissioner of Taxation* (2007) 244 ALR 505, 507 [10] (Greenwood J); *Skyring v Commissioner of Taxation* (Queensland Court of Appeal, Smithers, Northrop and Beaumont JJ, 18 April 1984), 29 [10]; *Skyring v Commissioner of Taxation* (2007) 244 ALR 505, 507 [10] (Greenwood J); *Re Skyring's Application [No 2]* (1985) 59 ALJR 561, 561 (Deane J); *Skyring v Cooper & Anor* [2014] QSC 103 (Daubney J).

(1976).[31] This period can be considered the 'Lone Wolf' Period, as it is largely driven by single individuals.

The second grouping, **Phase 2**, is more loosely defined and includes an assortment of various arguments, as individuals began experimenting with, and sharing, various pseudolaw arguments. In the US, this period in the late 1980s to early 1990s saw the consolidation of the 'Common Law Movement' which developed many of the familiar pseudolaw tropes and forms of argumentation.[32] In Australia we do not seem to have had a similar movement, but there were examples of this type of unaffiliated pseudolegal argument in this period. For example, a series of cases in the early 2000s saw litigants argue that certain Acts passed by State Parliaments were invalid as a result of the enactment of the *Australia Acts*.[33] These arguments did not succeed. As our data illustrates, there was a clear increase in pseudolaw cases in this period. This can be considered the 'Unaffiliated Pseudolaw' Period.

The third grouping, **Phase 3**, reflects the emergence of 'Movement' pseudolaw – notably the 'Detaxers' of Canada and the 'Freemen on the Land' in the UK, Canada and Australia.[34] While the South Australian dataset does not reflect these self-identified movements (those search terms did not return any results in SA), it is interesting that there was an evident 'bump' in this period, which can be considered the 'Movement Pseudolaw' Period..

The final grouping, **Phase 4**, reflects the current growth period of pseudolaw in Australia. This period, from 2015 to 2024, includes two key phases. The first five years of this period reflect the emergence of a distinct 'sovereign citizen' movement in Australia, with a growing public awareness of this movement.[35] However, it was the emergence of the COVID-19 pandemic and the public health measures that followed, that saw an explosion of pseudolaw in Australia.[36] This 'Contemporary Pseudolaw Period' is the most striking in our data and reflects the clear emergence of pseudolaw as a distinct social phenomenon.

ii. Jurisdiction

The second coded datapoint in the database looked at the jurisdiction in which the reported pseudolaw case occurred. Given the limit of the dataset to reported judgments, it is no surprise that the overwhelming majority of cases which demonstrated pseudolaw arguments were heard in the Supreme Court of South Australia (46). A significant number of cases were head in the Court of Appeal (14) and a small number (6) were heard in the District Court of South Australia, one in the South Australian Civil and Administrative Tribunal and one in the Industrial Relations Court.

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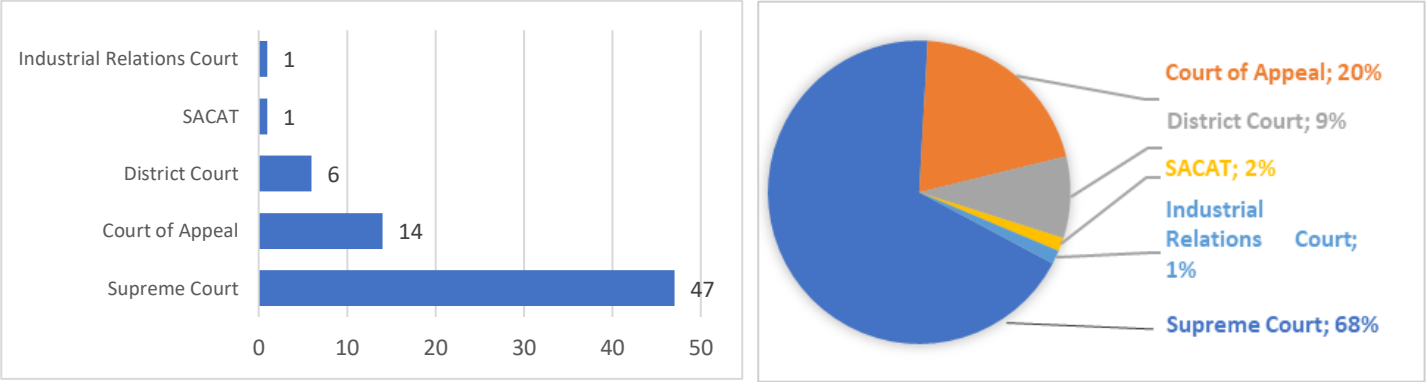
[31] See, generally, Harry Hobbs and George Williams, *Micronations and the Search for Sovereignty* (Cambridge University Press, 2021).
[32] Young, Hobbs and Goldwasser (n 16).
[33] Hobbs, Young and McIntyre (n 8) 335; *Sharples v Arnison* [2002] 2 Qd R 444.
[34] Stephen A Kent, 'Freemen, Sovereign Citizens, and the Challenge to Public Order in British Heritage Countries' (2015) 6 *International Journal of Cultic Studies* 1 There is also evidence that pseudolaw gurus from the US, like David Wynn Miller and Winston Shrout, visited Australia and New Zealand in this period.
[35] Kaz Ross, '"Living People": Who are the Sovereign Citizens, or SovCits, and Why Do they Believe they have Immunity from the Law?', *The Conversation* (28 July 2020) https://theconversation.com/living-people-who-are-the-sovereign-citizens-or-sovcits-and-why-do-they-believe-they-have-immunity-from-the-law-143438.
[36] Sophie Kesteven and Damien Carrick, 'Magistrates Witness a "Sharp Rise" in Sovereign Citizen Cases Brought Before Local Courts', *ABC Radio National* (8 May 2023) https://www.abc.net.au/news/2023-05-08/nsw-magistrates-report-sharp-rise-in-sovereign-citizen-cases/102285772.

Figure 7: Case by Court Jurisdiction

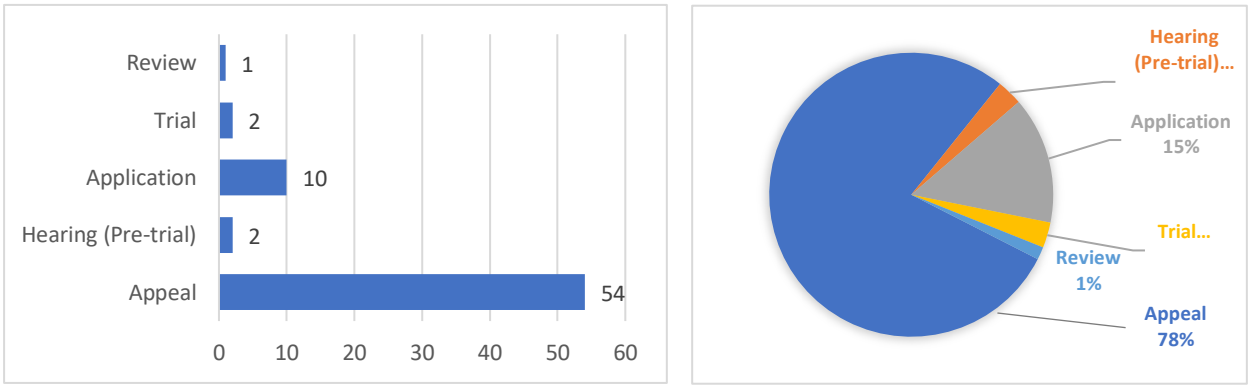


Pseudolaw cases are likely occurring in other jurisdictions, but we surmise that those jurisdictions are not routinely publishing pseudolaw cases. Most notably, the main court by volume, the Magistrates Court, is entirely (and necessarily) absent from this dataset.

iii. Nature of Proceeding

The third coded datapoint looked at the nature of the proceeding. In terms of the procedural nature of the case, the majority of cases (54) are appeals, with only 10 applications, 2 hearings, 2 trials and 1 review:

Figure 8: Case by Hearing Type

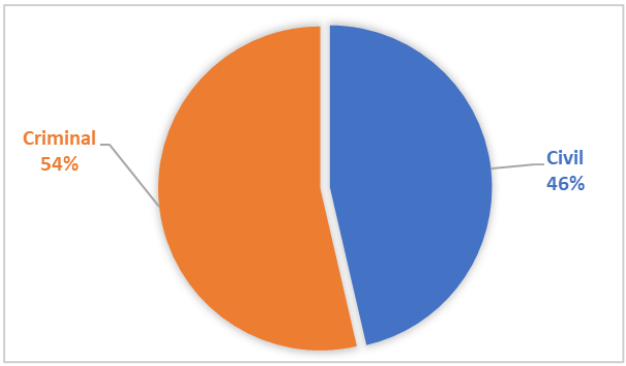


Again, this is largely a function of the nature of the jurisdiction of the Supreme Court, which principally operates as an appellate court, with only a relatively few matters commencing in its original jurisdiction (largely limited to the most serious crimes and largest scale civil matters). Notably, the Judicial Review jurisdiction of the Supreme Court is one of the few jurisdictions where 'smaller' civil matters may commence in the Supreme Court. The case of *Webb v Department for Correctional Services*,[37] is illustrative of this form of pseudolaw claim.

In terms of the substantive nature of cases – with the distinction between civil and criminal matters – there is a fairly even split between the two jurisdictions, with n=32 civil matters and n=37 criminal matters. This is seen in the figure below:

[37] [2023] SASC 114.

Figure 9: Cases by Substantive Jurisdiction



Our dataset of reported cases shows that pseudolaw arguments are just as likely to occur in a civil context as in a criminal context. While this may be different in other jurisdictions – particularly in the Magistrates Court – this is a notable finding.

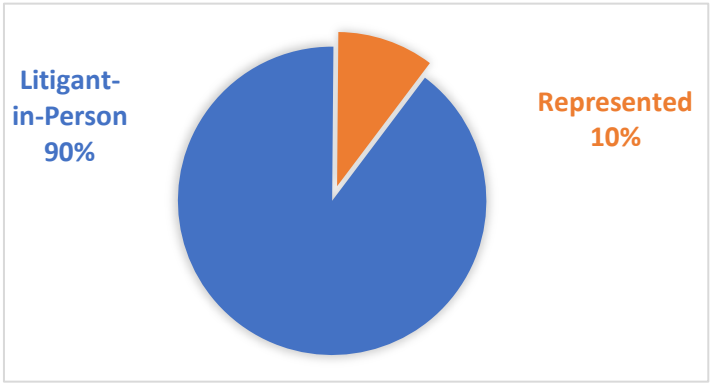
iv. Success

The fourth coded datapoint looked to the success of the action. Strikingly, only one applicant was successful, namely the case of *Mathie v City of Playford.*[38] Importantly, the appeal in that case was successful on the ground that the relevant notice was filed out of time, and *not* based on the pseudolaw argument. Pseudolaw arguments did not succeed in any case.[39]

v. Representation

The fifth coded datapoint looked to whether the applicant in the matter had formal legal representation. Here, the overwhelming experience was that applicants were litigants-in-person/self-represented (n=62, 90%). Only in n=7 (10%) cases was the applicant represented by legal counsel. In two cases, the applicant was a corporation, and was represented by the Director of the Company.[40] These cases were coded as 'Litigant-in-Person' despite the different legal personalities involved.

Figure 10: Representation of Applicant



[38] [2023] SASC 145.
[39] Hobbs, Young and McIntyre (n 8) 311.
[40] *Money Tree Management Services Pty Ltd v Deputy Federal Commissioner of Taxation* (2000) 44 ATR 48; *Southdale Stud Pty Ltd v RJR Trading Pty Ltd* [2020] SASC 106.

Of the seven cases where there was legal representation, four matters were criminal.[41] In the case of *Hudson v Federal Commissioner of Taxation*,[42] the applicant had been unrepresented at trial, but had retained counsel for the intermediate appeal, where the pseudolaw arguments were not directly agitated. The applicant was again unrepresented on the subsequent application for permission to appeal to the Full Court,[43] where pseudolaw arguments were again agitated.[44]

The remaining three cases were civil cases.[45] Again, in one of these cases – *Money Tree Management Services [No 3]*[46] – the applicant was unrepresented at the original trial,[47] but obtained counsel for the appeal. In this instance, a number of pseudolegal arguments were made. These included that the Justice in the initial matter[48] and the Governor,[49] were both invalidly appointed. Though it was unnecessary to decide this point, given the refusal of permission to appeal, the court held that these arguments were 'quite hopeless'.[50] This appears to be one of the few cases where a represented party advanced pseudolaw arguments. Notably, in this instance the respondent, the Commissioner of Taxation, applied to join the solicitor for Money Tree as a party to the proceedings and sought an order that he pay the Commissioner's costs on an indemnity basis.[51]

Ultimately, His Honour held that the evidence showed that it was a related entity the Institute of Taxation Research ('ITR'), and not Money Tree itself, which decided to institute the appeal by Money Tree. The ITR was advancing pseudolaw claims in several proceedings. Here, the solicitor received instructions from the ITR and was effectively acting on their behalf. As a result, the judge held that this was such an extraordinary case that it was proper to join the solicitor as a party and order that he pay costs,[52] observing:

> This is not a case of a client seeking to pursue a hopeless case against the advice of its solicitor. Instead, it is a case of a solicitor taking a quite unreasonable step which has no prospect of success and on behalf of a person who is not the appellant. It is an abuse of process in that the appeal has been instituted without any, or indeed, any proper, consideration of its prospects of success.[53]

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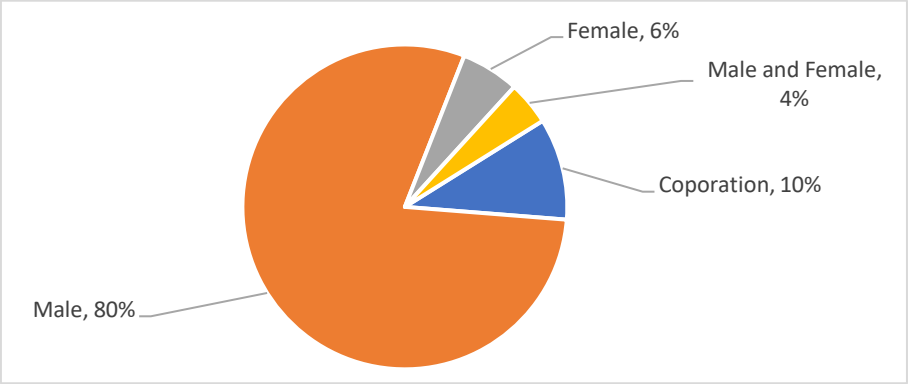
[41] *Mathie v City of Playford* [2023] SASC 145; *Adelaide City Council v Lepse* [2016] SASC 66; *Grace Bible Church v Reedman* (1984) 36 SASR 376; *Hudson v Federal Commissioner of Taxation* [2016] SASC 145.
[42] [2016] SASC 145.
[43] *Hudson v Federal Commissioner of Taxation* [2016] SASCFC 122.
[44] The applicant argued that 'the requirement of the Commissioner to provide taxation returns was in some way unlawful because the notice included a reference to the applicant's tax file number (TFN) which was invalidly issued or unlawfully used despite demands made by the applicant that the Commissioner desist from doing so' *Hudson v Federal Commissioner of Taxation* [2016] SASCFC 122, [3]. This assertion was found to be without any merit [8].
[45] *Maurici v South Australia* [2008] SASC 145; *Money Tree Management Services Pty Ltd & Institute of Taxation Research v Commissioner of Taxation [No 3]* [2000] SASC 286; *IAW v Department for Health and Wellbeing* [2022] SACAT 9.
[46] *Money Tree Management Services Pty Ltd & Institute of Taxation Research v Commissioner of Taxation [No 3]* [2000] SASC 286.
[47] *Money Tree Management Services Pty Ltd & Institute of Taxation Research v Commissioner of Taxation [No 1]* [2000] SASC 54 (1 March 2000).
[48] M*oney Tree Management Services Pty Ltd & Institute of Taxation Research v Commissioner of Taxation [No 3]* [2000] SASC 286 [14].
[49] Ibid [16].
[50] Ibid [22].
[51] Ibid [27].
[52] Ibid [32].
[53] Ibid [31].

This is, so far as we are aware, the only instance of an Australian solicitor being held personally liable for advancing pseudolaw arguments in a case in which they are representing another party, though note this was not a focus of this study. There are, however, examples of this from Canada.

vi. Gender of Applicant

The sixth datapoint sought to examine matters as to the demographics of applicants, drawing upon one factor that was reasonably clear on the face of the record, namely the applicant's gender.[54] There was a perception that the majority of the pseudolaw adherents were male, and this datapoint sought to examine that issue. The data confirmed that the vast majority of such cases were initiated by male applicants:

Figure 11: Gender of Lead Applicant



Of the n=69 cases in the database, in n=55 (80%) cases the individual responsible for bringing the matter before the courts was male. Only n=4 (6%) matters were brought by women, and all of these were appeals. In n=3 (4%) matters there were both male and female applicants, however all of these appear to be married couples (they each have the same surname). Finally, in n=7 (10%) matters a corporate entity (not an individual) was the formal party to the proceedings. However, the analysis of the judgment in these matters indicated that in each case the entity was controlled by a male Director or similar.

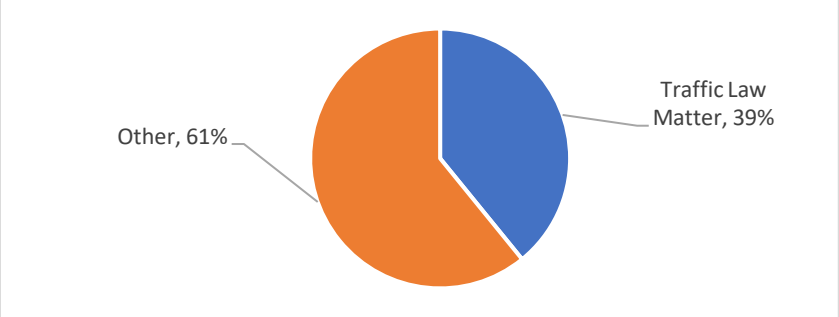
vii. Traffic Law

Finally, we coded the cases to identify whether they involved traffic matters. As David Heilpern notes, Australian pseudolaw adherents have a particular and unique focus on traffic law.[55] This focus was replicated in the data, with nearly 40% (n=27) of all matters involving traffic law in some regard:

[54] This was determined on the basis of the language used in the judgment, reflecting how the judge referred to the litigant.

[55] David Heilpern, 'Traffic Matters and Pseudolaw: The Big Shakedown' in Harry Hobbs, Stephen Young and Joe McIntyre (eds), *Pseudolaw and Sovereign Citizens* (Hart, forthcoming). He contrasts this with the situation in the US where the movement is rooted in tax law. See, for example, Caesar Kalinowski IV, 'A Legal Response to the Sovereign Citizen Movement' (2019) 80 *Montana Law Review* 153, 154, and Canada where the focus is constitutional law: Donald Netolitzky and Richard Warman, 'Enjoy the Silence: Pseudolaw at the Supreme Court of Canada' (2020) 57 *Alberta Law Review* 715, 717.

Figure 12: Cases Involving Traffic Law



Of these 27 matters involving traffic law, n=25 were self-represented.[56] The cases were spread across the categories of pseudolaw argument, with the only category not represented being 'private prosecution'. This percentage is particularly notable given the constraints on the database. Traffic law is a matter that is overlooked by the academy and the profession,[57] not least because it largely manifests only at the Local Court/Magistrates Court level, where cases are rarely reported. As a result, these matters will generally only appear in this database as an appeal from a lower court decision. Indeed, only a single traffic law case[58] involved a direct application with all 26 other cases being appeals from lower court decisions.

Figure 13: Traffic Matters Over Time

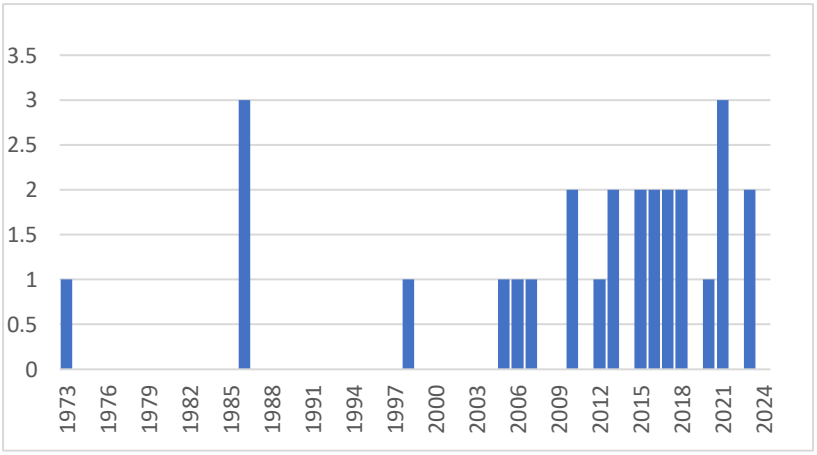
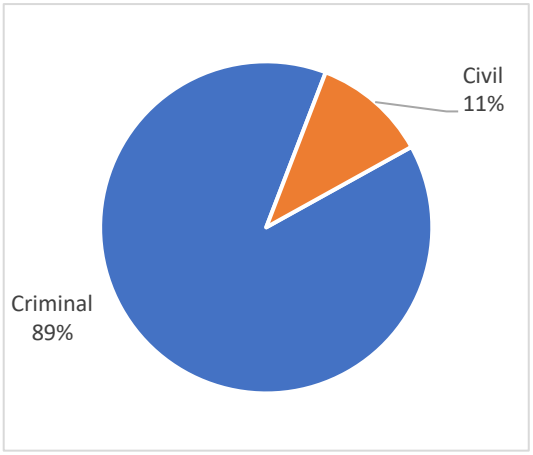


Figure 14: Jurisdiction



As illustrated in Figure 11, traffic matters occurred consistently thoughout the dataset, starting from the very first case and appearing through to the present day. Of these matters, the vast majority (89%, n=24) were criminal matters, and only 11% (n=3) were civil matters. It should be noted that the identification of matters as 'traffic law' involved a degree of evaluative doctrinal identification. However, this remained minimal making it appropriate to analyse this category in this part.

[56] The exceptions were *Adelaide City Council v Lepse* [2016] SASC 66 and *Mathie v City of Playford* [2023] SASC 145.
[57] Heilpern (n 55).
[58] *Kiparoglou v The Queen* [2021] SASC 2.

4. ANALYSIS 2 – THE SUBSTANCE AND CONTENT OF PSEUDOLAW CASES

This section focuses on the second mode of coding. It looks at the type of pseudolaw arguments presented in the cases. It is designed to answer the third of the qualitative research questions: what are the forms of pseudolegal argumentation that are being deployed in these cases? This question is designed to help understand how pseudolaw manifests in South Australian cases, and to assess that form against trends in the broader literature.

This section involves a content analysis of the cases identified in the database, in a manner reflective of the doctrinal legal analysis method discussed earlier. Here the focus is not, however, on the substantive state of the law, or the attempt to synthesise norms to identify that law – not least because pseudolaw does not in fact reflect the law. Rather, the focus is on identifying the arguments that are (unsuccessfully) raised by pseudolaw adherents in their submissions to the court.

A. Method on Content

This method of content analysis reflects the approach adopted by Hobbs et al,[59] in that it seeks to treat pseudolaw arguments – for the purposes of identification only – as if they were law. It recognises that within the legal universe of psuedolaw, these represent alternative norms, and can be identified through the methods of doctrinal analysis.[60] This approach utilises traditional doctrinal forms of content analysis of close reading of the text of the judgment to characterise the form, nature and strength of arguments. However, in this instance, the analysis stops at the point of identification, and does not proceed to the subsequent steps of the doctrinal approach of synthesis and articulation of meta-norm.

Each case was analysed to identify the pseudolegal argument the applicant made. Initially, those cases were coded against the three principal categories of pseudolaw argumentations in Australia identified by Hobbs et al. In their paper, the authors identify the three principal forms pseudolaw argumentation as:

1. **The Strawman Argument**: the law does not apply to them because it applies only to 'artificial' persons who possess a separate legal personality – the strawman duality;
2. **Absence of Individual Consent**: government authority is illegitimate in the absence of individual consent, and they did not consent to the law operating upon them – everything is a contract; and/or
3. **State Law is Defective**: the law was invalidly enacted and is of no legal effect – state authority is defective or limited.[61]

During the process of populating the database, it became apparent that these categories were insufficient to capture the breadth of pseudolaw cases appearing in the database. As a result, an additional three categories were added – 'private prosecutions,' 'other' and 'pseudolaw adjacent'. The private prosecution category was added to capture those cases in which the applicant or appellant was seeking to sue members of the judiciary through attempted private prosecutions, for example for having committed 'treason' or similar claims. The 'other' category allowed for the coding of cases that did not strictly fall within the parameters of the other categories, but still displayed distinctly pseudolaw style arguments. The final category of

[59] Hobbs, Young and McIntyre (n 8).
[60] Ibid.
[61] Ibid, 324.

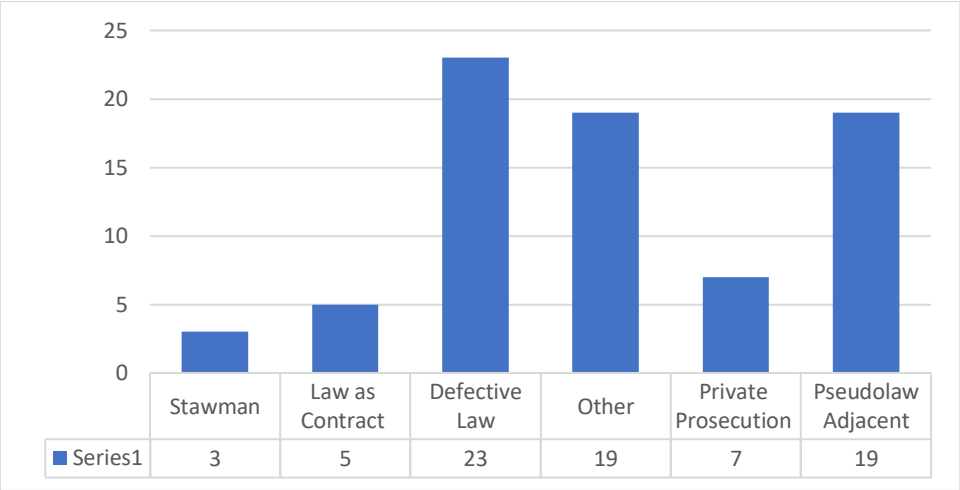
'pseudolaw adjacent' cases are those cases which do not themselves directly or on their face display any pseudolaw arguments but involve parties who have brought other pseudolaw arguments to the courts or are otherwise tied in some way to another pseudolaw case. These include pseudolaw adherents who have initiated multiple proceedings and have been labelled a 'vexatious litigant' by the court.

Each case was coded against these six categories, and the relevant paragraphs of the judgment where these arguments are made was recorded. This process of coding was non-exclusive so that a single case may involve more than one category or form of argument.

B. Key Findings on Substance and Content

The single most common category of pseudolaw argumentation was the 'Defective Law' form (n=23, 33% of the n=69 cases in the database), while the other two forms from the Hobbs et al taxonomy occurred in only a very small number of cases (Strawman, n=2, 4%; Law as Contract, n=5, 7%). Just over a quarter of cases (28%, n=19) were 'Pseudolaw Adjacent' and did not explicitly and directly raise a pseudolaw argument. It is notable that 10% of cases (n=7) involved attempted private prosecutions. This is a category of pseudolaw argumentation that is not directly addressed in the Australian literature but is a, not insubstantial, problem for the operation of the judicial system. Finally, around a quarter of cases (n=19, 28%) displayed elements of pseudolaw but did not fit neatly into other categories.

Figure 15: Substantive Pseudolaw Argument of Cases



In the following discussion, we will briefly outline the nature of each of these categories and examine our findings.

i. Strawman Arguments

The strawman argument is sometimes referred to as the 'split-person' argument or 'flesh-and-blood' defence[62] and refers to an assertion that the natural 'real' person is distinct and separate from their artificial 'legal' personality.[63] Adherents believe an individual has two personas: one

[62] See James Evans, 'The "Flesh and Blood" Defence' (2012) 53(4) *William and Mary Law Review* 1361.
[63] Hobbs, Young and McIntyre (n 8) 325-328.

of natural flesh-and-blood, and the other a strawman, doppelganger, or corporate personality.[64] By refusing to 'appear' before the court, litigants believe they can avoid its jurisdiction and authority. Although 'patently without merit',[65] this legal argument is relatively common, and has proliferated through a range of courts.[66]

However, of the n=69 pseudolaw cases identified in this database, only three displayed the characteristics of a strawman argument.[67] One of these matters, *Georganas v Georganas* has been discussed above and is only identifiable as a strawman case through extraneous evidence.[68] The other two matters involved traffic law and the Adelaide City Council was a party to each; one was in the criminal jurisdiction and one was in the civil jurisdiction.

The case of *Adelaide City Council v Lepese*[69] involved an appeal against conviction for stopping in a permit zone. The defendant attempted to deploy classic 'strawman' arguments in response to official processes: she refused to adopt the options listed in the summons, refused to plead guilty, and refused to 'attend' and 'appear' at court (within the legal meaning of those words).[70] On two occasions she entered a courtroom but remained near the door and refused all judicial directions to her to leave the public area and to go to the bar table. On both occasions, she refused to make a formal appearance, instead reciting phrases such as:

> I am here. I am the personal representative of Waltraud Lepse. My name is called Traudi. Would you be so good as to call Traudi instead of Waltraud Lepse as I am here to represent in this case. Is this a court of reference? Is this a court of reference?[71]

On the first occasion, the Special Magistrate, after granting an application from the prosecution for the matter to be dealt with *ex parte*, sent the matter to an adjacent court to be dealt with by a Magistrate. When the matter was called on before the Magistrate, the following exchange took place:

> DEFENDANT: Sir, is this a court of record?
> HIS HONOUR: Yes.
> DEFENDANT: **Sir, would it be alright with you if I entered this room and engaged in the proceedings with full reservation of my unalienable rights?**
> HIS HONOUR: I'm not sure what you mean by that but this is what I think you were saying, that anything you say today shouldn't be used in a trial against you if you make any admissions. Is that what you're saying?
> DEFENDANT: I'm saying I'm here under a common law court proceeding.
> HIS HONOUR: **No, you're here under the Magistrates Court Act and also the Summary Procedure Act and they are all valid Acts as far as the court's concerned. Just come forward.**

[64] Joe McIntyre, Harry Hobbs and Stephen Young, 'The Strawman Trap : Non-Appearance and the Pitfalls of Pseudolaw' (2025) *Australian Law Journal* (forthcoming).
[65] *United States v Mitchell*, 405 F. Supp. 2d 602, 604 (D. Md. 2005). As the Queensland Supreme Court observed in *Borleis v Wacol Correctional Centre* [2011] QSC 232, the strawman argument 'does not find any reflection in any provision of our law.'
[66] See, for example, *Dent v Commissioner of Police* [2022] QDC 235 (7 October 2022) (Dent won his appeal from his conviction after a 'frustrated' magistrate who was 'impatient' imposed an excessive sentence).
[67] *Adelaide City Council v Lepse* [2016] SASC 66; *Rossiter v Adelaide City Council* [2020] SASC 61; *Georganas v Georganas* [2024] SASC 1.
[68] *Georganas v Georganas* [2024] SASC 1.
[69] *Adelaide City Council v Lepse* [2016] SASC 66.
[70] Ibid [4]..
[71] Ibid [13].

DEFENDANT: So are you denying me my unalienable rights?
HIS HONOUR: No, you've got rights under those Acts. Come forward please.
DEFENDANT: I need to have ...
HIS HONOUR: **If you do not come forward I am not going to deal with your matter and it might get dealt with in your absence**. **So if you don't come forward I'm going to get you to leave** and if you leave prosecution –
DEFENDANT: **I do not consent to your jurisdiction**. I'm here to – I have claim by the reservation of unalienable rights and it's my right to give your Honour the common law.
HIS HONOUR: I'm not accepting that so you'll have to leave.[72]

Following a further exchange, the Magistrate ordered the Sherriff's Officer to remove the defendant from the court. In the subsequent discussion with the Counsel for the prosecutor, the Magistrate recognised the argument being made was a 'flesh and blood defence'.[73] His Honour then granted leave to proceed *ex parte,* finding that the facts alleged, and the offence itself, were proven and convicted the defendant.[74] A subsequent application for rehearing, pursuant to s 76A of the *Summary Procedure Act 1921* (SA) was refused.[75] The defendant subsequently appealed the matter to the Supreme Court, and sought to file a number of non-standard documents which were rejected.[76] After wading through the convoluted materials submitted by the applicant, the Justice ultimately held that the Magistrate was correct to decline 'to hear the defendant after she unequivocally refused to go to the bar table and … correctly utilised the procedure'[77] to proceed in the absence of the defendant.[78]

It is worth noting that His Honour, in reaching this conclusion, relied upon the Western Australian decision of *Ashwell v Commissioner for Consumer Protection*,[79] which involved a similar refusal to attend the bar table.[80] However, in the more recent decision of *Kelly v Fiander,*[81] which provides one of the best expositions of the strawman theory in Australian jurisprudence,[82] the WA Supreme Court adopted a more a robust and pragmatic approach. There the court held that a Magistrate fell into legal error when they refused to accept the appearance of a pseudolaw adherent who was physically present but was deploying strawman tropes.[83] The decision in *Kelly v Fiander* has subsequently been applied in a number of cases across the country.[84] As a result, it is unclear whether a subsequent case would continue to apply the authority of *Adelaide City Council v Lepse,* or whether a more pragmatic approach would be preferred.

The second strawman case, *Rossiter v Adelaide City Council*,[85] again concerned a parking offence – here an expiation notice for exceeding the prescribed parking time limit. The

[72] Ibid [16]
[73] Ibid.
[74] Ibid [17].
[75] Ibid [19].
[76] Ibid [21]-[24].
[77] Ibid [52].
[78] Relevantly set out in sections 62(1)(b) and 62BA of the *Summary Procedure Act 1921* (SA).
[79] [2015] WASC 337.
[80] *Adelaide City Council v Lepse* [2016] SASC 66, [53].
[81] *Kelly v Fiander* [2023] WASC 187 (1 June 2023).
[82] Ibid**Error! Bookmark not defined.** [11]. See McIntyre, Hobbs and Young (n 64).
[83] *Kelly v Fiander* [2023] WASC 187**Error! Bookmark not defined.** [60].
[84] See, for example, *Branch v Town Of Victoria Park* [2023] WASC 231 (28 June 2023); *Kwok v City Of Subiaco* [2023] WASC 307 (17 August 2023); *Kwok v Gordon* [2023] WASC 325 (24 August 2023);; *Kelly v Osborne* [2023] WASC 353 (18 September 2023).
[85] *Rossiter v Adelaide City Council* [2020] SASC 61.

appellant – who described himself as 'Tim: Rossiter, a man'[86] – elected to be prosecuted, and when the matter was called on refused to formally make a plea, replying only with the words 'I am a man'.[87] In the absence of a plea, the Magistrate treated the response as a plea of 'not guilty' and set the matter down for trial. At trial the appellant did not directly participate. President Livesey, of the Court of Appeal, summarised the appellants conduct as follows:

> On the day of the trial, but before the matter was called on, the appellant showed the prosecutor the notice that he said was displayed in the windscreen on the day the expiation notice was issued. It read: "Notice: private property, no trespassing". When the matter was called on, the appellant did not approach the bar table and remained seated in the back row of the public gallery. He apparently remained mute throughout the trial and during the delivery of *ex tempore* reasons.[88]

The Magistrate treated the appellant's failure to respond as a plea of 'not guilty', proceeded as if the matter was *ex parte* and found the appellant guilty of the offence.[89] On appeal, eleven grounds were set out in a handwritten notice of appeal,[90] which included a range of pseudolaw arguments (including defective law and lack of consent). The most direct 'strawman' argument arose from a letter the appellant had sent to the respondent in 2014 when attempting to disengage from society. That letter was said 'to be from "Timothy-Noel: Rossiter, Free-spirit man" who is "man and man has certain inalienable rights"'.[91] This argument was recognised as a 'pseudolaw' argument, and His Honour held that such arguments 'have without reservation been rejected as involving both legal nonsense and an unnecessary waste of scarce public and judicial resources. So too here'.[92] His Honour concluded with the following, and important, observation on the implication of the use of pseudolaw approaches:

> It is regrettable that the appellant has advocated the various pseudolegal arguments underpinning this appeal. If he has acted on the advice of others, he is well advised to stop doing so. His decision to defend has resulted in a trivial parking fine escalating to a financial burden exceeding $2,000.[93]

In contrast to the case of *Adelaide City Council v Lepse* the strawman arguments are, here, present rather than directly operative. Nevertheless, this case usefully illustrates how various pseudolaw claims interact in organic and dynamic ways.

These two cases represent the only two cases that directly address strawman arguments in reported South Australian cases. This is surprising given the significance that mode of argumentation plays in the broader pseudolaw ecosystem. However, this low prevalence may be a result of the types of cases that are reported in this dataset. It is clear from the findings arising out of the interviews conducted as part of this study,[94] and from anecdotal evidence,

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[86] Ibid.
[87] Ibid [4]
[88] Ibid [5].
[89] Ibid [6], [9].
[90] Ibid [10].
[91] Ibid [45] The letter set out a number of propositions along the following terms:
3. My truth and law exists inside me …
15. People living on the geographical area commonly referred to as Australia have the right to revoke or deny consent to be represented and thus governed, and;
16. I, commonly known as Timothy-Noel: Rossiter do not consent to being governed/represented, and;
17. If anyone does revoke or deny consent they exist free of government control and statutory restraints
[92] Ibid [50].
[93] Ibid [52].
[94] See Pt IV.

that the strawman argument is of much higher prevalence than the data compiled in the database indicates. It is possible that this form of argument is more commonly used in the Magistrates Court as it is a method to try and avoid the authority of the court and application of law. An appellant seeking to engage the jurisdiction of an appellate court to overturn a finding at first instance may, conceivably, be less likely to make such arguments.

ii. Law is a Contract / Lack of Consent

The second category against which cases were coded was the 'law as contract'/'lack of consent' arguments. The essence of this argument can be seen as an attempt to take the Lockean concept of a 'social contract' literally and individually. As Hobbs et al note:

> This form of argument begins from the position that all legislation or authority is a form of contract or predicated on contractual relations. Because a sovereign citizen has not agreed to that contract, they have not consented to the authority of the jurisdiction. Therefore, the law does not apply to them.[95]

This argument is based on a belief that all law (particularly legislation) is a kind of contract and therefore cannot be enforced unless both parties – namely the state and the individual – have consented to be bound by it. In Australia, the consent line of argumentation is often connected to local legal discourses and instruments. For example, some Australian pseudolaw adherents claim that the formation of the Commonwealth of Australia somehow breached original social contracts contained in state constitutions.[96] While the precise arguments will often vary significantly, the core idea remains that the authority of law depends upon the ongoing consent of the individual, and that the individual may, through certain forms and rituals, withdraw that consent. The 2014 letter discussed above in *Rossiter v Adelaide City Council*,[97] is a particularly vivid illustration of this form of argument.

Within our dataset we again only saw a relatively small number of this type of argument, despite the significance of the form in the broader context of pseudolaw. While slightly more prevalent than 'strawman' arguments, only n=5 cases (7%) demonstrated characteristics of the argument that law is a contract and has not been consented to by the individual.[98] All five cases were heard in the Supreme Court of South Australia, and three were criminal appeals. The two civil matters included an appeal and a pre-trial hearing.[99]

An illustration of this type of case is the decision in *Best v Police* (SA), a traffic offence related to speeding. The complainant appealed against an *ex parte* conviction,[100] contending that the trial should have been moved to accommodate his schedule, despite the matter being listed for a regional circuit court that only sat on certain days.[101] However, the complainant sought to appeal on a number of grounds, including that as he did not consent to the relevant legislation, he was not under an obligation to comply with the *Road Traffic Act*.[102] In his written

[95] Hobbs, Young and McIntyre (n 8) 328.
[96] *Shaw v Attorney-General (WA)* [2004] WASC 144, [11]-[12].
[97] *Rossiter v Adelaide City Council* [2020] SASC 61 [45].
[98] These cases were: *Brackstone v Police* [1999] SASC 35; *Best v Police (SA)* [2015] SASC 190; *Haughton v Order* [2019] SASC 199; *Commonwealth Bank of Australia v Haughton* [2020] SASC 135; and *Rossiter v Adelaide City Council* [2020] SASC 61.
[99] *Commonwealth Bank of Australia v Haughton* [2020] SASC 135.
[100] *Best v Police* (SA) [2015] SASC 190, [24].
[101] Ibid [39].
[102] Ibid [40], [68].

submissions) the complainant asserted: "I will be representing myself under common law not statute law to which I do not consent".[103] Justice Bampton held that this argument had 'no merit' and summarily dismissed it.[104]

Of the remaining law as contract/lack of consent cases, it is worth noting that two of the cases involved a party, Mr Peter Scott Haughton, notorious for his engagement in pseudolaw activities in the state.[105] Mr Haughton is the most represented individual in the findings. He is a party to 10 listings in the database and indirectly involved in at least one more.

iii. State Law is Defective

The third category of argument against which cases were coded was the 'defective law' form of argument. This is the third major pattern of pseudolegal argumentation in Australia identified by Hobbs et al, and has a longer history in Australia than the others.[106] The essence of this argument is that the relevant law is invalidly enacted, or in some other way defective, with the result that the enactment is without legal effect.[107]

There are a broad range of forms of this type of argument, depending upon the various ways the law is said to be defective. One of the most common forms of claim is that a relevant law is invalid because it violates *Magna Carta.*[108] For example, in *Arnold v State Bank of South Australia*, the appellant sought a declaration that they did not need to pay their mortgage because *Magna Carta* guaranteed their rights 'to their matrimonial home'.[109] Other claims seek to identify the relevant fatal defect in 'the peculiar political and legal development of Australia as an independent nation'.[110] In particular, the passage of the *Australia Acts* is often treated as an illegitimate action that invalidates all subsequently passed Acts.[111]

We identified n=22 cases (32%) in the database which involved this form of pseudolegal argument.[112] This is by far the single most common form of pseudolegal argument in the

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[103] Ibid [40].

[104] Ibid [68]. The written submissions are a useful illustration of the various forms of pseudolegal arguments and reliance of broad range of sources. The relevant passage is quoted in the judgment [40] and sets out:

> "I will be representing myself under common law not statute law to which I do not consent , I will be relying on Australian constitutional laws including section 1 legislative power section 2 governor general section 58 royal assent section 109 inconsitency of laws section 118 recognition of laws section 117 rights of residents in states section 80 trial by jury amongst the universal declaration of human rights , bill of rights 1689 , national measurement act and the nsc number assigned to this device , burdon of proof , fair trial aswell as presenting a letter from the ex chief justice sir harry gibbs which Is quite clear in spelling out that australia's current legal and political system in use in Australia and its states and territories has no basis in law I will therefore be seeking full dismissal under article 36 of the statute of the international court of justice where an international treaty is cited as a defence , failing this i will be requesting adjournment "sine die" and prosecution will have to prove beyond a reasonable doubt that information provided regarding australia's sovereignty the constitution the treaty of Versailles , the statute of Westminster , the universal decleration of human rights do not apply to my common law rights and statutes within Australia."

[105] Eric Tlozek, 'Man in Custody after Police Raid Alternative Community Meeting Over Public Safety Concerns', *ABC News* (17 September 2021) https://www.abc.net.au/news/2021-09-17/sa-police-raid-adelaide-alternative-community-meeting/100472728. See for example Interview 5: Judicial Officer, 163.

[106] Hobbs, Young and McIntyre (n 8) 330.

[107] Ibid.

[108] Ibid 332

[109] *Arnold v State Bank of South Australia* (1992) 38 FCR 484, 484 (Burchett, Hill and Drummond JJ).

[110] Hobbs, Young and McIntyre (n 8) 334.

[111] *Kosteska v Magistrate Manthey* [2013] QCA 105, [18] (Martin J).

[112] *Howie v Hollobone* (1973) SASR 148; *Grace Bible Church v Reedman* (1984) 36 SASR 376; *Howie v Scheer (No 1)* (1986) 59 LGRA 367; *Batten v Police* [1998] SASC 6778; *Howie v Burgess* [2005] SASC 368; *Jordan*

database. It was effectively just as likely to occur in criminal matters (n=10) as civil matters (n=12).

An illustration of this type of argument was made in the decision of *Howie v Burgess.*[113] This was yet another traffic law matter. Here the appellant was charged with stopping in a no-stopping zone. Alongside challenges to the statutory power of the council to impose parking controls, and alleged procedural errors in the issue of the summons, the appellant also argued that the Australian Road Rules 'were not validly enacted as Sir Eric Neal had not validly been appointed as Governor of South Australia'.[114] This argument is summarised in the judgment of Judge Layton:

> The appellant provided information from the Bar table indicating that he had a copy of a commission obtained from Government House indicating Sir Eric Neal was appointed as Governor of South Australia with a signature appearing to be that of the Queen. The appellant submitted that there was an attachment which contained no signature of any authorised officer, nor was it sealed. The appellant argued on this basis that the Commission appointing Sir Eric Neal was not properly implemented. He also referred to a facsimile which had been received from England in which a person undertaking research from the register stated that there was no record of the appointments of Dame Roma Mitchell, Sir Eric Neal or Marjorie Jackson Nelson.[115]

Her Honour held that there was no relevant evidence before her to challenge the validity of the Governor's appointment, and for this reason rejected this argument.[116]

It is worth observing that Justice Layton noted the appellant had 'a lengthy history in challenging road traffic regulations and council by-laws'.[117] They appear as a party in n=5 reported cases in our database. For example, in several other cases, Mr Howie had sought to argue that the relevant local council did not validly pass resolutions, or had unlawfully published in the Gazette, and therefore the resolutions in question *could not* have resulted in the parking offences with which the appellant had been charged.[118]

Other cases in this category sought to argue that the relevant statutory regime was invalid for numerous reasons. Two cases made arguments relating to native title and the rights of Aboriginal and Torres Strait Islander people.[119] It is not clear on the data available whether the adherents making these claims were themselves Aboriginal or Torres Strait Islander people. As

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v Police [2006] SASC 205; *Maurici v South Australia* [2008] SASC 145; *Morriss & Morriss v Puckridge* [2009] SAIRC 49; *Millington v Police (SA)* [2015] SASC 52; *Best v Police (SA)* [2015] SASC 190; *Westpac Banking Corporate v Chamberlain* [2016] SASC 3; *Westwill Pty Ltd v Barossa Council* [2016] SASC 189; McDougall v City of Playford [2017] SASC 169; *Pawlak v Police (SA)* [2017] SASC 40; *Scopacasa v City of Charles Sturt* [2018] SADC 31; *Timms v Police (SA)* [2018] SASC 69; *Haughton v Australia and New Zealand Banking Group Ltd* [2019] SASC 198; *Haughton v Australia and New Zealand Banking Group Ltd* [2020] SASCFC 14; *Southdale Stud Pty Ltd v RJR Trading Pty Ltd* [2020] SASC 106; *Commonwealth Bank of Australia v Haughton* [2020] SASC 135; *Rossiter v Adelaide City Council* [2020] SASC 61; *Kiparoglou v Police (SA)* (2021) 97 MVR 161; *Georganas v Georganas* [2024] SASC 1.

[113] *Howie v Burgess* [2005] SASC 368.

[114] Ibid [4] (Layton J).

[115] Ibid [69].

[116] Ibid.

[117] Ibid [2], citing *Howie v Scheer* (1993) 19 MVR 202; *Howie v Gordon* (1986) 60 LGRA 36; *Howie v Fuss* (1989) 9 MVR 95; *Howie v Scheer (No 1)* (1986) 59 LGRA 367; *Howie v Marsh* (1994) 20 MVR 216; *Police v Howie* [1998] SASC 6991.

[118] *Howie v Hollobone* (1973) SASR 148; *Howie v Scheer (No 1)* (1986) 59 LGRA 367.

[119] *Westpac Banking Corporate v Chamberlain* [2016] SASC 3; *Timms v Police (SA)* [2018] SASC 69.

is typical of pseudolaw arguments, each case is relatively distinct and therefore difficult to group into defined categories. Nevertheless, this form of argument was the only one of three main forms of pseudolaw argumentation identified by Hobbs, Young and McIntyre that consistently occurred in the database cases.

iv. Private Prosecution

In coding the cases in the database against the initial three principal forms of pseudolaw argumentation outlined by Hobbs et al, it quickly became apparent that many cases did not neatly fit within that taxonomy of arguments. That is not surprising, as that taxonomy never sought to be exhaustive, but rather illustrative of the key pseudolaw arguments. However, it was unanticipated how incompletely those forms of argumentation mapped onto the cases in the database, with only n=31 instances of these arguments being identified, representing less than 44% of cases (indeed the percentage is lower than this as several of these cases involves multiple forms of argument).

As a result, we adopted an iterative process to identify other leading forms of pseudolegal argumentation. The first of these, and the fourth overall substantive category, involved instances of 'private prosecution.' The term 'private prosecution' typically refers to a criminal proceeding initiated by an individual private citizen or organisation and has an ancient pedigree. In this context, however, this history has been perverted and instead largely occurs where an individual has initiated proceedings against a member of the judiciary or executive branch of government.

Of the pseudolaw cases identified, n=7 fell into the 'private prosecution' category. [120] Four of these matters were heard in the Supreme Court of South Australia and three were heard in the District Court of South Australia. Four were in criminal matters and three civil. In each, the litigant/appellant was self-represented. Five of the seven cases coded as private prosecution were brought by individuals named in multiple cases containing pseudolaw arguments.

The earliest, but entirely representative, example of this type of case was the matter of *Russell-Taylor v Jackson-Nelson*,[121] where the complainant sought to prosecute the Governor of South Australia on the basis that the Governor had: 'deliberately and wilfully sought to deprive or depose her Majesty from the style, honour or royal name of the imperial crown of the United Kingdom'.[122] Anderson J dismissed the appeal on the basis that treason, being a major indictable offence, could not be charged by way of complaint.[123] His Honour also noted other key shortcomings in the complaint, not least that:

> There are, in fact, no particulars given. There are no facts alleged. There is nothing alleging any conduct which might amount to an offence of treason.[124]

Unsurprisingly, the application was dismissed. Other unsuccessful matters include:

[120] *Russell-Taylor v Jackson-Nelson* [2007] SASC 15; *Plenty v Attorney-General (SA)* [2013] SASC 35; *Haughton v Roder* [2019] SASC 199; *Haughton v Chapman* [2019] SASC 200; *Kiparoglou v AZ* [2022] SADC 147; *Rowe v Bishop (No 1)* [2022] SADC 58; *Rowe v Bishop (No 4)* [2023] SADC 29.
[121] *Russell-Taylor v Jackson-Nelson* [2007] SASC 15 [2] (Anderson J).
[122] Ibid.
[123] Ibid [11].
[124] Ibid [12].

- An attempt to prosecute an Axillary Master of the Supreme Court, alleging he had 'committed the criminal offence of "common law fraud"';[125]
- A similar attempt to prosecute the Attorney-General of South Australia for having committed the criminal offence of 'misprision of treason';[126]
- An attempted private prosecution of 14 defendants (including the presiding Magistrate, a surgeon and his wife, doctors, staff of a medical practice, police prosecutors, and police officers) for over 800 criminal offences.[127]

In two other cases, the applicant made an application for the Judge to recuse themselves on the basis that they were 'sitting in treason'.[128] While these are not technically instances of an attempted private prosecution, they are included in this category as they share the common characteristic of alleging, on the basis of pseudolegal beliefs of the applicant, that the judicial officer had engaged in serious criminal conduct, relevantly treason.

v. Other

An additional catchall category of 'Other' was also developed to recognise cases that did not display any of the arguments defined in the preceding paragraphs, but still utilised reasoning which is identifiable as having a pseudolaw conceptualisation. These cases are distinct from those coded as 'pseudolaw adjacent' (see below), as there is identifiable pseudolaw reasoning and forms to the arguments advanced, but those arguments do not neatly fit with the above categories. In total n=19 (28%) cases fell within this category.

An illustration of the type of argument which fell into the 'other' category is the 'weights and measures' style argument used in cases such as *Jameson v Police*,[129] and *Kuipers-Lloyd v Police (SA)*.[130] This familiar pseudolaw argument, which arises in the context of traffic law, argues that speed cameras do not conform with the *National Measurement Act 1960* (Cth).[131] Though it may appear as a traditional issue of statutory interpretation, the manner and mode of these arguments is recognised as a form of pseudolegal argumentation in Australia.[132]

Given that pseudolaw is mostly defined by the mode and form of argument (the use of legal method to advance contra-legal narratives),[133] it is not surprising that there is a broad range of ways in which pseudolaw manifests. In total, n=13 (19%) cases were coded into the 'other' category and not into any other category.

vi. Pseudolaw Adjacent

During the process of coding the database, a number of matters arose which did not themselves display any characteristics of the pseudolaw arguments already outlined, but still retained some connection to pseudolegal argumentation. In some cases, this was because the applicant/appellant had been involved in other cases in which they had made a pseudolaw

[125] *Haughton v Roder* [2019] SASC 199, [1].
[126] *Haughton v Chapman* [2019] SASC 200, [1].
[127] *Kiparoglou v AZ* [2022] SADC 147.
[128] *Rowe v Bishop (No 1)* [2022] SADC 58; *Rowe v Bishop (No 4)* [2023] SADC 29.
[129] [2006] SASC 5.
[130] [2013] SASC 137.
[131] This form of argument was also made in *Best v Police* (SA) [2015] SASC 190, 40.
[132] See Heilpern (n 55).
[133] Hobbs, Young and McIntyre (n 8).

argument. There is a strong tendency for these adherents to consistently use these arguments in a series of litigation, so when one case is positively identified as a pseudolaw matter, there is a good reason to suggest that other will possess that quality. In other cases, the subject matter was very similar to cases in which pseudolaw arguments were made, but none were explicitly made in (or at least discussed in the written judgment of) those cases themselves. This category of 'pseudolaw adjacent' is designed to capture cases as pseudolaw matters because there is a good reason to believe that the case is either actuated by pseudolaw beliefs or may have involved such arguments, but that this did not appear on the face of the record.

Twenty cases ultimately fell into this category. Of the n=20 cases which are considered pseudolaw adjacent, half (n=10) involve traffic law. The most significant set of cases in this category concerned repeat appearance of pseudolaw adherents.

For example, Mr Kon Kiparoglou was the litigant or appellant in n=7 of the 69 cases listed in the database, however only two of those fell into a pseudolaw category (one private prosecution, one state law is defective). The remaining five cases were coded into the 'pseudolaw adjacent' category.

It is also apparent that pseudolaw adherents operate in networks, and we were able to identify some cases by identifying these networks. For example, in the matter of *Lindner v Scheer*,[134] Mr Gordon Howie is listed as being a witness for the appellant, Mr Lindner. Mr Howie is the appellant himself in n=5 cases listed in the database. Further, Mr Lindner is said to have conferred with Mr Howie prior to engaging in the conduct which was the subject of the original parking charges which led to the appeal. The judgment states 'After checking relevant maps at the town clerk's office and *conferring with Mr Howie*, the appellant parked in the middle standing bay on each of the days charged'.[135]

In total, nearly a third of all cases in the database (n=22, 32%) involved just four pseudolaw adherents as a party. This illustrates the way individuals can have a disproportionate impact upon the operation of the legal system. The impact of repeat litigants can be seen in the following table:

Table 13: Repeat Litigants and Pseudolaw Adjacent Cases

Repeat Litigant	Cases in Database (%)	Pseudolaw Adjacent Cases (%)
Andrew Garrett	**3** (4%)	**2** (3%)
Peter Haughton	**7** (10%)	**2** (3%)
Gordon Howie	**5** (7%)	**3** (4%)
Kon Kiparoglou	**7** (10%)	**5** (7%)
Total	**22** (32%)	**12** (17%)

In one of these cases, *Andrew Garrett Wines Resorts Pty Ltd v National Australia Bank Ltd*,[136] the adherent was – ultimately – found to have 'persistently instituted vexatious proceedings' as defined by the vexatious litigant provisions in s 39(1) of the *Supreme Court Act 1935* (SA).[137] The effect of that particular order was to prohibit Mr Garrett from initiating, continuing or

[134] (1986) 61 LGRA 137.
[135] *Lindner v Scheer* (1986) 61 LGRA 137.
[136] [2007] SASC 173.
[137] *Andrew Garrett Wines Resorts Pty Ltd v National Australia Bank Ltd* [2007] SASC 173, [237].

causing other parties to initiate proceedings against the named entities.[138] Further, Anderson J referred the matter to the Attorney-General for his consideration of further steps.[139] To this point, Mr Garrett had instituted over a dozen cases in the South Australian Supreme Court in the years between 1996 and 2007,[140] and had further attempted to hijack cases brought by others, to seek relief himself.[141] In *Attorney-General for the State of South Australia v Garrett*,[142] the Attorney-General successfully obtained an order prohibiting Mr Garrett from instituting or causing others to institute any proceedings in any Court of the State of South Australia without the leave of the Supreme Court.[143]

While Mr Garrett's arguments were rarely couched in what we would now term 'pseudolegal' language, many of the same modes and forms of argument are present in these cases. There appears to be an overlap of the persons likely to become vexatious litigants, and the persons attracted to pseudolegal arguments. However, to date there does not seem to have been a movement to utilise vexatious litigant processes, such as that set out in s 39(1) of the *Supreme Court Act 1935* (SA), to respond to repeat pseudolaw litigants. This may be an issue that requires further examination.

5. CONCLUSION

The database analysis of reported pseudolaw cases in South Australia is one element of the larger project that also involves qualitative interviews with judicial officers and court officials. Nevertheless, it supports several key findings. First, the analysis reveals that pseudolaw is increasingly prevalent in reported judgments in South Australia. Over the last decade, and particularly in the last five years, pseudolaw cases have exploded. Between 2019 and 2023, 28 pseudolaw cases were litigated – more than occurred between 1973 and 2014. This suggests that pseudolaw has emerged as a distinct phenomenon in South Australian case law. Second, while our study was limited to reported judgments and therefore does not encompass the entire spectrum of potential cases in which pseudolaw is appearing, our analysis suggests that pseudolaw arguments are being used in a diverse set of circumstances. Litigants raise pseudolaw arguments in both civil and criminal matters, with a particular emphasis in traffic law cases. Third, our findings confirm academic literature that notes pseudolaw arguments are broad and diverse. In our data set, litigants often submitted that the relevant law was defective in some material way – a common pseudolaw trope. Two other major tropes were less prominent. At least for our dataset, the strawman argument and the position that all law is a contract were not common in South Australian cases. Qualitative interviews, examined in the next part, help elucidate these findings.

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[138] Ibid [1], [237].
[139] Ibid [254].
[140] *Attorney-General for the State sf South Australia v Garrett* [2009] SASC 19, [325].
[141] As Layton J held, the listed cases were 'quite apart from the numerous proceedings issued by Mr Garrett in which he has sought unconnected substantive relief within actions commenced by others, in order to achieve the same end as if it had been an originating action by him, without the need for the payment of the court fees associated with an originating action': *Attorney-General for the State of South Australia v Garrett* [2009] SASC 19, [325].
[142] [2009] SASC 19.
[143] *Attorney-General for the State of South Australia v Garrett* [2009] SASC 19, [357]. It is worth noting that at this point Mr Garrett began initiating proceedings in the Federal Court, but that course of conduct is beyond the scope of this study.

Part IV: Interviews with Judicial Officers & Administrators

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SUMMARY OF FINDINGS

The phenomenon of pseudolaw is widely experienced by judicial officers and administrators in South Australian courts as a distinct and growing issue. Participants reported encountering pseudolaw regularly, with some experiencing it on an almost daily basis. Despite the relatively small number of cases, pseudolaw has a disproportionate impact, consuming significant time and resources.

Participants identified pseudolaw as a distinct phenomenon, noting that while its frequency varies, it is a regular part of their workload, particularly for judicial officers with heavy caseloads. It is seen as a unique challenge requiring special attention.

Pseudolaw is characterised more by the behaviour and attitudes of pseudolaw adherents rather than by specific legal arguments. Its defining features include a conspiratorial mindset, a persistent questioning of authority, voluminous and irrelevant findings, and the use of scripted, often nonsensical arguments. Adherents often view themselves as fighting the "good fight" against a system they believe is rigged against them.

Pseudolaw is placing a significant strain on South Australian courts. Participants described it as a huge problem that delays legal proceedings, drains resources and increases costs for the courts, litigants and third parties. The theatrical and confrontational nature of pseudolaw disrupts court operations, making the administration of justice more difficult.

Participants expressed frustration with the current responses to pseudolaw, noting that it often requires disproportionate attention. The time and effort these cases demand can detract from other work. This has led some participants to consider quitting their jobs. Others indicated that they feel threatened and have even considered moving.

While some strategies are in place to manage pseudolaw (often ad hoc), there is a recognised need for further reforms, such as increased training for judicial officers, streamlined dismissal processes, and more consistent support from higher courts to handle these cases more efficiently.

This analysis suggests that there is a broadly accepted consensus that pseudolaw is now a distinct phenomenon that is regularly appearing in, and detrimentally impacting, South Australia's courts.

1. OVERVIEW AND RESEARCH OBJECTIVE – *INTERVIEWS WITH JUDGES & ADMINISTRATORS*

The second phase of the research project involved interviewing relevant South Australian court judicial officers and judicial administrators to create a more thorough understanding of the nature and impact of pseudolaw on the legal system and its people.

This approach is motivated by the fact that focusing on reported judgments, even in ideal circumstances, only provides partial insights into the rise and impact of pseudolaw in the State. As a result, this phase of the research is designed to draw on interdisciplinary approaches to examine the lived experiences of those who directly participate in the judicial system. Such an approach allows insights 'inside the box' to understand practices and context invisible to the official record. The database in Part III focused on the *visible* and *public* way in which the courts engage with pseudolaw. The interviews, here, in Part IV, allow an insight into the *hidden* or *institutional* experiences and impacts of pseudolaw.

The essential research questions to be examined in this part can be articulated in the following terms:

- **How is the phenomenon of pseudolaw understood and experienced by judicial officers and judicial administrators in South Australian courts?**
- **What impact is it having on the administration of justice in this state?**

This research questions can be further broken down into several discrete issues:

1) To what extent do participants experience pseudolaw as a distinct phenomenon in South Australia's courts?
2) How do participants understand the defining features and contours of the phenomenon of pseudolaw in South Australia?
3) From the perspective of participants, how is pseudolaw impacting the operation of South Australia's courts, and the conduct of litigation before them?
4) How are the participants, and South Australia's courts responding to pseudolaw, and are there opportunities for further reform?

The overarching aim of this phase of the research was to venture behind the veil of the judicial institution, to examine the '*doing*' of responding to pseudolaw, rather than the more deliberate public 'seeing' of pseudolaw. Judgments are a particular form of judicial artifact, developed for

several discrete purposes (including aiding decision-making, accountability and governance).[1] They are designed to focus on the specific and the individual, rather than the systematic and the general. Written judgments are the public reasons given by judicial officers with respect to some of the decisions they make (largely the final, operative decision). They rarely record the reflections of the behaviour and conduct of litigants beyond the trial itself (and even rarely then) and leave invisible the behind-the-scenes working of the judicial officer and their chamber staff. Unless relevant to the decision at hand, judgments will rarely record systemic trends and patterns even where the judicial officer is aware of such patterns. Neither will the experience of judicial administrators be recorded. Moreover, as highlighted in Part III, only certain types of cases, from certain courts, will be produced in publicly available written form. For example, the decisions of Magistrates and other lower courts and tribunals will not generally be easily and publicly available.

In some instances, additional insights into the form and manner of litigant behaviour in specific cases may be gained by accessing the transcript of a hearing, or the relevant filings (including written submissions, affidavits and other evidence, and formal applications). However, accessing these materials can be costly and time-consuming, and the analysis of the resultant materials is extremely labour intensive. While this approach can provide very detailed and textured results with respect to specific instances and illustrations (see for example Part V: Pseudolaw Archetypal Case Study), it remains poorly adapted to the examination of systemic patterns and trends.

Given these limitations in relevant written documents and records, it becomes necessary to look at alternative methods of research if one is to meaningfully address the above research questions. Within limitations of funding and expertise, it was decided that a small-scale set of interviews with key participants in the judicial system represented the most effective means of gaining relatively comprehensive insight into the extent and form of pseudolaw in South Australia and how it impacts South Australian courts.

2. RESEARCH METHODOLOGY AND DESIGN

Methodologically, this phase of the research involves two discrete steps:

(a) **Interviews with Judicial Officers/Judicial Administrators**: These semi-structured interviews (45-60mins) allowed a guided and reflective discussion of the emergence and impact of pseudolaw; and

(b) **Thematic Analysis:** The interviews were then transcribed and de-identified, and a thematic analysis was undertaken to identify key themes and narratives that emerged from the interviews.

This section will briefly outline the design parameters and objectives that underpin the research methodology behind this qualitative empirical analysis. However, as with any human subject research, there were several ethical and institutional issues that first required attention.

[1] See Joe McIntyre, *The Judicial Function: Fundamental Principals of Contemporary Judging* (Springer, 2019).

A. Ethics and Institutional Considerations

The project sought ethics approval pursuant to the UniSA *Human Research Ethics Protocol*, and subsequently also pursuant to the UTS *Research Policy*. The UniSA application (*Ethics Protocol 205953*) was made in November 2023, with the formal ethics protocol approved 21 February 2024. As part of the formal collaboration between UniSA, UTS and the University of Otago for this project, an additional derivative 'low risk' application was required to be made to UTS. This application (*ETH24-9537*) was submitted in May 2024 and approved on 27 June 2024. In the period between UniSA approval and UTS approval, only UniSA staff participated in this aspect of the project. The University of Otago did not require additional ethics approval as part of the collaboration.

In addition to the process of receiving ethics approval (a university-end requirement), we were highly conscious of the judicial context in which the research would occur, and the need to respect institutional constraints. As a result, the project contacted the Head of Jurisdiction for each court and tribunal to seek permission to approach judicial officers and staff prior to initiating the recruitment process. Through this process, permission was received from the Chief Magistrate of the Magistrates Court, the Chief Judge of the District Court, and the Chief Justice of the Supreme Court. Unfortunately, we did not receive a response from our inquiries to the South Australian Civil and Administrative Tribunal, with the result being that we did not pursue interviews with members of that body.

B. Recruitment of Participants

Following the grant of permission from Heads of Jurisdiction, a process was initiated to recruit participants for the interviews. The objective was to undertake interviews with 4-6 judicial officers and 2-3 judicial administrators.

A number of judicial officers had already indicated, during the project design phase, a willingness to participate. These participants were contacted first. A snowball process was then deployed to identify subsequent participants (both potential and actual). We drew upon both investigators' professional networks and recommendations from Heads of Jurisdiction to recruit participants.

Given the heavy workload and constraints of the judicial roles, we anticipated a difficult process in securing a full suite of participants promptly. The relatively short timeframe of the project meant that it was not possible to obtain the full coverage of jurisdictions we initially desired. However, we received generous support in the process of recruitment, and, in the end, we recruited 7 participants, with 5 judicial officers and 2 judicial administrators participating in the interviews. These participants came from two main courts, as outlined in the table below:

Table 14: Participants by Court Affiliation

	Court	Participant
1	Magistrates Court	Judicial Officer
2	Magistrates Court	Judicial Officer
3	Magistrates Court	Judicial Administrator
4	Supreme Court	Judicial Officer
5	Supreme Court	Judicial Officer
6	Supreme Court, Court of Appeal	Judicial Officer

7	Sherriff's Office	Judicial Administrator

Unfortunately, we were unable to secure a participant (either judicial or administrator) from the District Court, despite support from the Chief Judge of that court. While we were confident that a participant would have been found with additional time, given the project timeline and the fact of having already obtained a target number of participants, a decision was taken to not pursue further participants.

Given the qualitative design focusing on the lived experiences of judicial officers and administrators, this sample size (n=7) was appropriate to gain in-depth, focused perspectives.[2]

C. Interview Design

The interviews were designed to be approximately 45-60 minutes in duration and occurred at a location of the participant's choosing (either their office/chambers or a relevant conference room at the respective court). All interviews were conducted by the same Chief Investigator, supported on various occasions, by other members of the research team.

These interviews were conducted on a semi-structured basis, allowing a responsive and dynamic evolution of the conversation in response to the narratives that emerged from the discussion of the lived experience of the participants. That structure revolved around four principal themes:

1. **The Prevalence of Pseudolaw:** The first overarching theme sought to examine the participants' experience of the prevalence of pseudolaw, to map whether there has been a perceived growth of the phenomenon.
2. **The Performance of Pseudolaw:** The second theme sought to examine how pseudolaw manifests in the judicial system (both registry and courtrooms), to understand the forms of argumentation that are used, the actions and conduct of adherents, and the way pseudolaw is 'performed'.
3. **The Impact of Psuedolaw:** The third theme sought to understand the impact of pseudolaw – both on the participants in litigation and on the broader judicial system.
4. **The Responses to Pseudolaw:** The final theme sought to understand how judges and judicial administrators are developing individual and systematic responses to ameliorate any potential impacts of pseudolaw.

For each theme, the interviewer had a series of prompts and indicative questions. Those prompts provided some common structure, however, each interview developed in a dynamic and responsive manner reflecting the progress of the interview conversation.

In total 6 interviews were held over a period from mid-March 2024 to early June 2024. These interviews have been labelled in the following manner:

Table 15: Interviews and Participants

	Interview Title	Participant
1	Interview 1: Magistrates Court	Judicial Officer 1; Judicial Officer 2
2	Interview 2: Magistrates Court	Judicial Administrator

[2] Catherine Riessman, *Narrative Methods for the Human Sciences* (SAGE Publications, 2008).

3	Interview 3: Sheriff's Office	Judicial Administrator
4	Interview 4: Supreme Court	Judicial Officer
5	Interview 5: Court of Appeal	Judicial Officer
6	Interview 6: Supreme Court	Judicial Officer

As this study is focused on the lived experiences of judicial officers and court administrators in confronting and responding to pseudolaw, transcripts of audio-recorded interviews were decided to be the most accurate way of collecting the participants' perspectives. Each recording was subsequently transcribed and de-identified.

D. Thematic Analysis

Once each interview was transcribed and deidentified, a thematic analysis was conducted following Braun and Clarke's six-phase framework,[3] with a continuous reflexive approach that acknowledged the positionality of the research team. From the outset, familiarisation with the data involved not just reading, re-reading, and transcribing the interview transcripts, but also reflecting on how the backgrounds and perspectives of the research team could shape the initial impressions of patterns.

During the second phase of generating initial codes, data was systematically examined and tracked using a highlighting system to identify features relevant to the research questions. While the coding was initially guided by the four main themes (Prevalence, Performance, Impact, and Responses), the process remained open to discovery and change in light of data, including demographic (e.g., gender, age, socio-economic status) and geographical patterns. The highlighting system was refined through the further phases, ensuring that the process was transparent and mindful of potential biases.

The third phase, searching for themes, involved clustering codes into broader themes, such as grouping specific demographics under a larger 'demographics' theme. In line with Braun and Clarke,[4] the search was conducted reflexively and iteratively to accommodate and confirm the emergence of new themes that extended beyond the initial scope, mirroring the organic nature of the interview conversations.

In the fourth phase, reviewing themes, the final list of themes was refined by cross-checking them against the data to ensure they accurately represented distinct and coherent patterns across the transcripts. In the process, the themes were colour-coded, with consistent highlighting across full transcripts, reinforcing the transparency of the analysis process.

Table 16: Themes as Colour Coded in Analysis

Theme	Description
Growing Prevalence of Pseudolaw	This theme captures the frequency with which judicial officers and administrators encounter pseudolaw in courts.
Methods of Communication	This theme explores the various ways in which pseudolaw adherents present their claims.
Manifestation of Pseudolaw	This theme identifies how pseudolaw typically presents itself in the legal system.

[3] Virginia Braun and Victoria Clarke, 'Using Thematic Analysis in Psychology' (2006) 3(2) *Qualitative Research in Psychology* 77, 101.
[4] See Virginia Braun and Victoria Clarke, *Thematic Analysis: A Practical Guide* (SAGE Publications, 2021).

Impact on Judicial Office / Administration	This theme concerns how pseudolaw affects the functioning of the judicial office and judicial administration.
Impact on Staff	This theme highlights the burden on court staff dealing with pseudolaw.
Current Responses and Strategies	This theme captures the ways judicial officers and administrators are responding to pseudolaw and any strategies they currently employ.
Systemic Impact and Awareness	This theme outlines the broader effects of pseudolaw on the judicial system.
Education and Collaboration	This theme reflects the need for greater education and inter-agency collaboration.

Defining and naming themes in the fifth phase involved articulating what each theme represented and illustrating them with quotations. This phase continued to reflect the commitment to a reflexive approach, recognising how personal positionings could shape the way themes were defined and ensuring that this influence was explicitly considered and managed.

The final phase, producing the report, integrated the thematic analysis into a coherent account of the data within the context of the project as a whole. The entire process was underscored by Braun and Clarke's emphasis on reflexivity,[5] ensuring that the positionality was not merely acknowledged, but actively engaged with throughout, enhancing the depth, transparency, and credibility of the analysis.

3. KEY FINDINGS & DISCUSSION

The following section presents the key findings from the thematic analysis of the interviews and includes a discussion that situates these findings within the relevant literature. It also reflects on their significance, offering deeper insights into their implications. The findings and discussion in this section are structured around the original four principal themes: (1) The Prevalence of Pseudolaw; (2) The Performance of Pseudolaw; (3) The Impact of Psuedolaw; and (4) The Responses to Pseudolaw.

In each of the relevant subsections, the key findings are summarised in tabular form. These short-form tables articulate sub-themes that were identified in the analysis, provide a short explanation of those themes, and then provide indicative references to illustrations of those findings in the transcript data. This first part provides an accessible overview of the key findings with regard to that theme. A more expansive outline of the findings of each theme is contained in ***Appendix 1: Thematic Analysis of Interviews***. The findings outlined in the Appendix are presented more comprehensively, including extracted quotations and illustrations, and an examination of commonalities and differences between interviews.

After outlining the key findings, we offer a discussion of the relevant themes. This analysis identifies broader trends and patterns, while also highlighting the significance of these findings within the context of justice administration in South Australia.

[5] Ibid.

A. The Prevalence of Pseudolaw

The first overarching theme seeks to examine the participants' experience of the prevalence of pseudolaw and understand whether there is a perception that the phenomenon has grown. Indicative prompts that were used in this context in the interviews included questions like:

- How do you characterise and understand this phenomenon?
- How is pseudolaw showing up in your courtroom?
- Have you seen a rise in pseudolaw/fringe cases?
- What type of cases does it arise in (e.g., civil/criminal/public)?

The purpose of these questions was to try and identify the frequency and context of pseudolaw matters. One of the key questions coming into this research was whether there was evidence that pseudolaw was emerging as a distinct social phenomenon in South Australian courts. The findings in this section sought to address this question.

i. Key Findings Regarding Prevalence of Pseudolaw

The following section sets out the key findings on the *Prevalence of Pseudolaw*. It is divided into two parts – the first looking at the overarching issue of prevalence and context, and the second examining the issue of potential causes of the rise in pseudolaw.

a) Prevalence of Pseudolaw

The first set of findings on this theme, set out in the table below, examines broad issues of prevalence, including evidence of frequency, the cases where these matters are occurring, and the demographics and identity of litigants.

Table 17: Prevalence of Pseudolaw

#	Themes	Key Finding	Illustrations
1	**General Prevalence**		
1.1	**Prevalence today**	Stakeholders encounter pseudolaw regularly.	***Interview 3: Judicial Administrator, 78 – 80.***
1.2	**Instances before COVID-19**	Pseudolaw existed before COVID-19 and became more pronounced with the internet and increased access to legal information and arguments.	***Interview 5: Judicial Officer, 40.***
1.3	**COVID-19 as an accelerator**	COVID-19 accelerated the prevalence of pseudolaw, with instances increasing dramatically (every six months to daily).	***Interview 3: Judicial Administrator, 62 – 67.***
2	**Forms of Proceedings**		
2.1	**Criminal**	Pseudolaw is more prevalent in criminal proceedings in the Magistrates Court than in the higher courts.	***Interview 2: Judicial Administrator, 139 – 140.***
2.2	**Civil cases**	Pseudolaw is more prevalent in civil proceedings in the higher courts, such as the Supreme Court and Court of Appeal.	***Interview 4: Judicial Officer, 84 – 88.***
2.3	**Judicial review**	Pseudolaw is common in the judicial review jurisdiction of the Supreme Court.	***Interview 4: Judicial Officer, 88 – 93.***
3	**Demographics**		
3.1	**General**	Pseudolaw adherents are predominantly male and middle-aged across all court jurisdictions. However, the	***Interview 3: Judicial Administrator, 236 – 241.***

		socioeconomic groups of those adherents vary across those jurisdictions.	
3.2	**Gender**	Pseudolaw adherents are predominantly male.	***Interview 1: Judicial Officers, 410.***
3.3	**Age**	Pseudolaw adherents are often middle-aged.	***Interview 4: Judicial Officer, 339 – 340.***
3.4	**Socio-economic groups**	The socio-economic group of pseudolaw adherents differs between jurisdictions.	***Interview 4: Judicial Officer, 323 – 328.***
3.5	**Geographic**	Pseudolaw adherents are more likely to be from a regional part of South Australia, particularly in the lower courts.	***Interview 1: Judicial Officers, 430 – 432.***
4	**Other Findings**		
4.1	**Intersection with Indigenous sovereignty arguments?**	Pseudolaw adherents do not tend to be Aboriginal or Torres Strait Islander. However, there is some intersection between pseudolaw argumentation and Indigenous sovereignty arguments.	***Interview 1: Judicial Officers, 446 – 448; Interview 6: Master, 79 – 83.***
4.2	**Networks**	There are networks of pseudolaw adherents in South Australia.	***Interview 3: Judicial Administrator, 266 – 268.***

The interviews highlighted four broad sub-themes regarding the prevalence of pseudolaw. The key findings for each sub-theme can be summarised as follows:

1. **General Prevalence:** The participants in interviews noted the general rise of pseudolaw in terms of frequency, with all participants encountering the phenomenon regularly. Participants noted that the global COVID-19 pandemic, and the public health measures that followed, acted as an accelerant for the growth of pseudolaw. What had been a relatively fringe concern became frequent, and at times overwhelming. While frequency has fallen from the peak experienced through the early 2020s, it remains greatly elevated with an upward trajectory.
2. **Forms of Proceedings:** Pseudolaw matters occurred in a broad range of civil and criminal, private and public law matters, though it appears that the nature and jurisdiction of the relevant court significantly impacted the types of matters where pseudolaw manifests.
3. **Demographics:** Participants noted a general convergence in the identity of litigants raising pseudolaw arguments, with a tendency for adherents to be middle-aged males. However, the demographics of adherents varied across jurisdictions.
4. **Other Findings:** The interviews revealed that pseudolaw adherents do not tend to be Aboriginal or Torres Strait Islander persons, despite some intersection between pseudolaw argumentation and Indigenous sovereignty arguments. Separately, participants highlighted that there were strong networks of pseudolaw adherents evident in the state.

Further exposition of these sub-themes, with relevant illustrations and quotations, is outlined in *Appendix 1*.

b) Causes of Pseudolaw

The second set of findings on this theme, set out in Table 5 below, examines evidence from the interviews regarding possible factors that may be contributing to the rise of pseudolaw.

Table 18: Causes of Pseudolaw

	Themes	Key Finding	Illustration
5	**The Legal System Itself**		
5.1	**Cost of seeking justice and lack of funding for legal aid**	The increased cost of seeking justice and lack of funding for legal aid has led to an increase in unrepresented individuals. This has led to some individuals advancing pseudolaw arguments to replace lawyers.	***Interview 4: Judicial Officer, 175 – 179.***
5.2	**Ease of accessing legal materials**	The increased accessibility of legal materials and the ease of obtaining such materials, without requisite understanding, leads to increased numbers of pseudolaw argumentation.	***Interview 4: Judicial Officer, 560 – 561.***
5.3	**Mystique of law**	The perceived mystique of the law means more individuals use pseudolaw arguments.	***Interview 4: Judicial Officer, 699 – 701.***
6	**The Internet and Social Media**		
6.1	**The Internet and Social Media**	The internet and social media have led to increased numbers of pseudolaw adherents and grown the networks by which those adherents can communicate.	***Interview 5: Judicial Officer, 64; Interview 3: Judicial Administrator, 652.***
7	**COVID-19**		
7.1	**COVID-19**	The COVID-19 pandemic led to higher numbers of pseudolaw adherents in the courts.	***Interview 6: Judicial Officer, 96 – 98.***

The interviews highlighted four broad sub-themes regarding the prevalence of pseudolaw. The key findings for each sub-theme can be summarised as follows:

5. **The Legal System Itself**: A number of participants posited that the structures and design of the legal system, in terms of accessibility and inherent complexity, as well as social factors such as legal literacy, were contributing to the rise of pseudolaw. The concern was that adherents lacked the skills to distinguish between legal and pseudolegal arguments and/or the capacity to engage legal representatives to provide that knowledge and representation for them, with the result that they stumbled into pseudolaw.
6. **The Internet and Social Media:** A common response from participants was that the rise of social media, and the general availability of law and law-adjacent resources through the internet, has led to increased numbers of pseudolaw adherents and provided a platform where those adherents can communicate.
7. **COVID-19:** A strong theme that emerged from the interviews was that the COVID-19 pandemic led to a surge of pseudolaw litigation, and that the rate remained elevated despite the retreat of the impact of the pandemic.

Further exposition of these sub-themes, with relevant illustrations and quotations, is outlined in *Appendix 1*.

ii. Discussion Regarding the Prevalence of Pseudolaw

The literature on pseudolaw suggests that there was originally a unique, *sui generis* Australian version of pseudolaw.[6] A prime example of this form of pseudolaw is the 'Currency Argument' developed and run by Alan Skyring in the 1980s. While there were distinct waves of Australian

[6] Harry Hobbs, Stephen Young and Joe McIntyre, 'The Internationalisation of Pseudolaw: The Growth of Sovereign Citizen Arguments in Australia and Aotearoa New Zealand' (2024) 47(1) *UNSW Law Journal* 309.

pseudolaw, including a particular obsession with microstates in part motivated by the visibility of the so-called 'Principality of Hutt River,'[7] this was not seen as representative of a broader social phenomenon.

That literature suggests that these various autochthonous forms of pseudolegal argumentation first began to coalesce into a distinct social phenomenon. In the early to mid-2010s, sovereign citizen pseudolaw from the United States of America was imported to Australia. Nevertheless, this phenomenon remained a largely fringe concern. Pseudolaw changed dramatically with the 2020 global pandemic when mainstream public attention was given to 'sovereign citizens'. As Hobbs, Young and McIntyre have previously argued:

> A segment of the population that has perhaps never felt alienated from the law suddenly found their liberty and personal choice unaccustomedly constrained by public power. Some who pushed back employed techniques that reflect the phenomenon of 'pseudolaw'.[8]

The information gathered through this study indicates that this timeline is largely reflective of the South Australian experience. What had been a rare and fringe form of behaviour began to coalesce into a distinct phenomenon in the 2010s,[9] but only became a significant concern due to the pandemic. The data from the interviews provided useful insights into how this occurred and enabled a deeper analysis of how often pseudolaw cases arise and what types of cases arise.

a) Frequency and Types of Cases

> ***It really is a thing, more people have heard of vexatious litigants but it has become this new thing***
>
> Judicial Officer[10]

All participants were familiar with the phenomenon of pseudolaw, and had insights into the various ways it manifests and impacts South Australian courts. All participants reported encountering pseudolaw regularly – both directly in hearings and filings and communications with the courts.

Participants agreed that aspects of pseudolaw are not novel and that it has 'been going on for a very long time.'[11] One judge noted that they first encountered pseudolegal litigants when they were a junior practitioner, remarking that 'a couple of notorious self-represented people … would spend a lot of time in the law library and would come up with all sorts of arguments.'[12] Other participants began to acknowledge it as a distinct phenomenon in the 2010s, when it began to manifest largely in regional centres. For example, one Magistrate observed:

> It was a phenomenon that I first came across probably in about 2012 – 2013, somewhere around there when I was sitting at Mount Gambier regularly, in fact, all the time.[13]

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[7] Harry Hobbs and George Williams, 'The Demise of the 'Second Largest Country in Australia': Micronations and Australian Exceptionalism' (2021) 56(2) *Australian Journal of Political Science* 206.
[8] Ibid 309–310.
[9] Interview 1: Judicial Officers, 20.
[10] Interview 5: Judicial Officer, 490.
[11] Interview 5: Judicial Officer, 48.
[12] Interview 4: Supreme Court, 38.
[13] Interview 1: Judicial Officer, 20. The Judicial Officer suggested that this grouping of adherents was centred around a community in a single regional town: Interview 1: Judicial Officer, 45.

There was broad consensus amongst participants that the COVID-19 outbreak and lockdowns acted as an accelerant of the phenomenon.[14] One participant suggested that with the pandemic, pseudolaw matters became an almost daily feature of litigation:

> Up until COVID started, we probably would see one once every 6 months and we'd just deal with them during the normal course of our duties. *Then COVID hit and it just exploded. Obviously, a lot of scared people out there, looking for simple solutions to complex problems*. And they just signed up to these ideologies. We went from dealing with one every 6 months to dealing with them every day. *They were coming through the courts every day*.[15]

While the frequency of pseudolaw cases has receded from those highs in recent years, there was a broad consensus that these matters continue to appear at rates far above pre-pandemic rates. That same participant observed that

> *it's a regular occurrence.* A lot more regular now. When there are dates of them appearing, it could be weekly we get them. But, on average, it's once every three weeks to four weeks:[16]

One judicial administrator suggested that pseudolaw communications with registry staff had now become essentially 'continuous',[17] and that they were 'seeing a lot more and it's escalating.'[18] They observed that a much larger number of adherents seemed to be adopting these forms of argumentation, observing 'we had the odd one or two, but now there seems to be quite a large group of people'.[19]

However, while there is a consensus across jurisdictions that pseudolaw arguments appear regularly in court proceedings, differences emerge according to court hierarchy and caseload or jurisdiction as to the way it manifests, and the types of cases where it occurs. Participants in the Magistrates Court reported high frequencies of pseudolegal arguments, and suggested it was more likely to appear in criminal cases, particularly in 'the high-volume lists' dealing with 'relatively minor matters', such as traffic offences.[20] In these types of cases, pseudolegal arguments might emerge between once every month to every six weeks.[21] This number depended upon the relevant list the Magistrate was sitting in and the location of such sittings. With 34 Magistrates in South Australia, these findings suggest that pseudolaw cases are occurring on an almost daily basis within this jurisdiction.

In the Supreme Court, the frequency of interaction with pseudolaw matters seems to depend very much on the caseload and the role of the judicial officer/administrator. One judicial officer experienced such matters around once a month,[22] while another – dealing with more procedural matters – reported dealing with pseudolegal litigants 'three days out of five'.[23] One interviewee

[14] Interview 2: Judicial Administrator, 13;45.; Interview 6: Judicial Officer, 95.
[15] Interview 3: Judicial Administrator, 62–67 (emphasis added).
[16] Ibid, 78–80 (emphasis added).
[17] Interview 2: Judicial Administrator, 39.
[18] Ibid, 23, 45.
[19] Ibid 23.
[20] Interview 1: Judicial Officer, 64–66.
[21] Ibid. Interview 1: Judicial Officer, 210–212.
[22] Interview 4: Judicial Officer, 121.
[23] Interview 6: Judicial Officer, 145.

noted that it is also relatively common in judicial review proceedings, suggesting that the absence of a filing fee encourages hopeless cases:

> They are very keen on judicial review these people and *they want to review everything* even if it's not strictly speaking a reviewable decision. But it gets them to the Supreme Court…[24]

At the appellate level, stakeholders report that pseudolaw is more likely to appear in civil cases. One interviewee speculated that this might be because individuals charged with a crime who appear in higher courts are usually represented, and any pseudolegal beliefs are not raised 'unless they have a falling out with their lawyers and then want to represent themselves'.[25] Although it is generally less prevalent in higher courts, it is driven by repeat, vexatious individuals. Given this factor, one interviewee characterised it as coming in 'waves.'[26]

Stakeholders generally agreed that the particular 'procedural vehicle is not important' for the adherent, as what matters is 'getting before the court to challenge or oppose what it is that is happening to the litigant.'[27] Nevertheless, a distinction was noted in the framing of arguments between civil and criminal proceedings. In civil cases, it was suggested that adherents perceive themselves as pursuing a grievance and fighting for their rights: 'they feel hard done by because of some particular thing that's happened and so they then have recourse to what they think are their rights having gone to the Internet research various things'.[28] In criminal cases, by contrast, the adherent sees themselves as fighting against the state. In these cases, sovereign citizen arguments may flow more urgently.[29]

Pseudolaw impacts judicial officers with varying degrees of intensity, depending on their position within the court hierarchy and the types of cases they oversee. This variation can hinder the development of effective, court-wide responses. As noted by one interviewee, judges at the Supreme Court level, who encounter pseudolaw far less frequently, may view these arguments as merely amusing or bizarre rather than serious, dangerous, and potentially harmful.[30] This has raised concerns about a lack of support from Appellate Courts for judicial officers who face these challenges regularly in their daily work.[31]

Overall, these interviews paint a picture that pseudolaw is operating as, and being recognised as, a distinct social phenomenon in South Australia's courts. While the precise frequency of these matters is highly variable between jurisdictions, it was a regular experience for all participants. Judicial administrators and judicial officers with high caseloads discussed dealing with these matters on an almost daily basis often dominating their workload. This highlights that examining the prevalence of pseudolaw in terms of raw numbers can be misleading. As many stakeholders reported, dealing with pseudolegal litigants takes up a 'disproportionate amount of our time'.[32]

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[24] Interview 4: Judicial Officer, 90–91 (emphasis added).
[25] Ibid 87.
[26] Interview 5: Judicial Officer, 221.
[27] Interview 5: Judicial Officer, 130
[28] Interviewee 4
[29] Ibid.
[30] Interview 6: Judicial Officer, 555. This interviewee spoke in-depth about a particular pseudolaw case that was viewed by some colleagues as 'hilarious' when, for her, it was 'not hilarious, it was extremely threatening' at 223 – 224.
[31] Interview 6: Judicial Officer, 515.
[32] Ibid, 143; Interview 5: Judicial Officer, 404; Interview 2: Judicial Administrator, 122

b) Demographics of Pseudolaw Adherents

> ***I would say the average would be a white male, not very well educated, often from a country region, in the age of something between late 30s and 50s or something in that sort of range.***
>
> Judicial Officer[33]

In terms of the demographics of pseudolaw adherents, participants agreed that a very broad cross-section of society was attracted to this form of argumentation.

However, there was a consensus across all court jurisdictions that pseudolaw adherents are predominantly male and middle-aged. One judicial administrator suggested that the typical adherent was a middle-aged 'white male, not very well educated, often from a country region.'[34] Another participant suggested that pseudolegal interest overlaps with 'people who might loosely be described as anti-vaxxers'.[35] One Supreme Court judicial officer noted that adherents tended to fall into a particular age bracket, noting it was usually 'sort of middle-aged and you don't see many terribly very young people falling into [it].'[36] However, the participants noted that not all adherents fit these stereotypes, with a judicial administrator giving the example of a 'very polite' female adherent currently emailing her and sending registered post daily.[37]

The interviews suggested that the socioeconomic demographics of adherents tend to vary across those jurisdictions. In particular, participants in lower courts reported a greater prevalence of pseudolaw adherents from lower socioeconomic groups as compared to the higher courts where pseudolaw adherents can be from various socioeconomic groups, including well-educated people. For example, one Supreme Court judicial officer noted:

> *It just doesn't seem to be a particular type of person. I can't see any particular socioeconomic groups associated with it*. I suppose you have to have a certain level of literacy, but I am just thinking through the people I've dealt with. *No, they've really come from across the board – some people who are quite well educated* compared to others who have a pretty basic level of understanding of language in the law. No, I couldn't actually pinpoint it.'[38]

While stakeholders agree that the prevalence of pseudolaw is not confined to metropolitan or regional areas, interviewees from the lower courts reported a greater prevalence of pseudolaw in regional areas, particularly Mount Barker, Mount Gambier and Murray Bridge. Stakeholders in the higher courts did not report regional differences, but the Supreme Court does not sit in regional areas or go on circuit, so they may not be best placed to recognise regional distinctions.

Pseudolaw adherents do not tend to be Aboriginal or Torres Strait Islander people. As one Magistrate put it, 'I just don't think they would be interested in running this sort of stuff'.[39]

[33] Interview 1: Judicial Officer, 430–432.
[34] Ibid.
[35] Ibid, 459.
[36] Interview 4: Judicial Officer, 339–340.
[37] Interview 2: Judicial Administrator, 16.
[38] Interview 4: Judicial Officer, 323–328 (emphasis added).
[39] Interview 1: Judicial Officer, 447.

However, one interviewee noted some intersection between pseudolaw argumentation and Indigenous sovereignty arguments. A Judicial Officer remarked that they first came across a sovereign citizen in a native title matter but had trouble describing the litigant in that manner.[40]

c) Causes of Pseudolaw

> ***The whole sovereign citizen thing really became a huge problem during COVID and sort of in the months leading up to COVID. The whole Trump thing did not help either. I kind of blame Trump and COVID combined.***
>
> Judicial Officer[41]

While inevitably involving a degree of speculation, several participants expressed opinions on what may have contributed to the emergence of pseudolaw as a distinct phenomenon.

A common theme amongst participants was that the phenomenon has 'been turbocharged'[42] by the pandemic. Many interviewees remarked on the 'significant increase' of pseudolegal arguments, suggesting that COVID-19 has acted as an accelerator.[43] These stakeholders noted that before the pandemic pseudolegal arguments were relatively infrequent, with one Sheriff's Officer suggesting that they would see 'one once every 6 months', but the prevalence has since 'exploded'.[44] However, participants perceived the different motivations behind the acceleration of pseudolaw differently throughout the pandemic. Some attributed it to fear and desperation in the context of rapid social change, while others highlighted ideological factors such as white supremacy or racist beliefs.[45]

Other participants pointed to a range of broader social factors that may contribute to the rise of pseudolaw. One of these factors was the nature of law itself, and the inaccessibility (both financial and conceptual) of the legal system. Several participants identified the increased cost of seeking justice and lack of funding for legal aid as a relevant factor, noting for example that the failure to properly fund legal aid has led to an increase in unrepresented individuals. This has led to some individuals advancing pseudolaw arguments themselves to replace lawyers. One interviewee, a Supreme Court judicial officer, explained:

> There is a really regrettable trend where there's a lot of time and therefore money spent on pretrial procedures. And *by the time of trial, these people are then unrepresented because they have run out of money*. Then you've got them trying to grapple with the issues. Now some people are at that end where we're just doing our best.[46]

Underlying this issue is the fact that law is complex and that it deploys numerous rituals that appear archaic to the public. One participant explicitly recognised that law possesses an inherent 'mystique' that may confuse people and allow them to fall into pseudolaw:

[40] Interview 6: Judicial Officer, 75–84.
[41] Interview 6: Judicial Officer, 96–98.
[42] Interview 4: Judicial Officer, 39.
[43] Interview 1: Judicial Officer, 465–467.
[44] Interview 3: Judicial Administrator, 64.
[45] Interview 6: Judicial Officer, 598.
[46] Interview 4: Judicial Officer, 175–179 (emphasis added).

> *There is also a mystique about the law. The law is very complex, and you have to use big words. So, somebody writes something that seems on the face of it, very legalistic*, but it actually is nonsense to any lawyer.[47]

Perhaps in counterpoint to this idea was the observation that at least for some of these adherents, there is little anxiety about attending court and challenging a judge. One stakeholder believes that it is not simply unrepresented litigants but a phenomenon where people are much more prepared 'to advance and try and exploit their legal rights'.[48] This speaks to a cultural shift of less deference shown to judicial officers, and a willingness of adherents to exert their expertise – even where it is objectively absent. This may be described as an approach whereby adherents overestimate both their legal capacity and their legal efficacy.

Another potential factor underlying the emergence of the phenomenon was the greater availability of both legal and non-legal/conspiratorial materials on the internet. It was recognised that increased access to digital technologies, and the increased accessibility of legal materials over the last 25 years, may have contributed to this rise. As one Supreme Court Judicial Officer observed:

> …I think they are getting more numerous *because of the ease at which people can access materials on the internet*.[49]

Although they noted that this is a positive development, it does encourage some individuals to 'self-educate', and potentially fall down pseudolegal rabbit holes.[50] In their view, 'the Internet', 'ChatGPT' and the accessibility of law have increased the ability of motivated self-represented litigants to do their own research and develop pseudolegal arguments.[51] Other judicial officers agreed that the increased accessibility of information is likely to be a cause, noting the 'internet is such a seductive resource.'[52] Similarly, one judicial administrator argued that social media 'is just making it get worse.'[53] A judicial officer highlighted how these online social networks can spiral into physical behaviours:

> She has a whole support network. There seems to be one man who is the ringleader. I don't know his name, but she actually told my clerk that she came into contact with him on the internet. He's the one who has organised the crowds to attend her hearings and whatnot.[54]

While there is no unambiguous answer as to what has caused the growth of pseudolaw, it appears feasible that the combination of factors, including the availability of (mis)information, lack of legal literacy, anger, uncertainty and alienation from COVID-19, and a lack of meaningful ways to engage with the law. This is a topic that demands further study, but it is well beyond the scope of this research.

B. The Performance of Pseudolaw

The second theme sought to examine how pseudolaw manifests in the judicial system (both behind the scenes and in judicial proceedings), to help better understand the forms of

[47] Interview 4: Judicial Officer, 699 (emphasis added).
[48] Interview 5: Judicial Officer, 300–302.
[49] Interview 4: Judicial Officer 560–561 (emphasis added).
[50] Ibid.
[51] Ibid.
[52] Interview 5: Judicial Officer, 64.
[53] Interview 3: Judicial Administrator, 652.
[54] Interview 6: Judicial Officer, 278–280.

argumentation that are used, the actions and conduct of adherents, and the way pseudolaw is 'performed'. Indicative prompts that were used for this theme in the interviews included questions such as the following:

- What are people doing and saying that is consequential?
- What type of arguments are being used by adherents, and are there patterns emerging?
- What actions are judges taking to help them understand pseudolegal arguments? What forms of resources are they drawing upon?
- Who is involved? Are these the same people?
- What are they doing? Do adherents bring an audience?

The purpose of these questions was to try to elucidate insights into the manner and form by which pseudolaw manifest itself in the context of South Australia's judicial system. This theme sought to explore the substantive modes of argumentation that were deployed by adherents, as well as how they 'performed' those arguments in proceedings. This recognised that pseudolaw possesses an inherent performativity and that there appear to be communities of people that participate actively or passively in proceedings.

One of the key questions underlying this research was *how* pseudolaw may manifest in South Australian courts. The findings in this section seek to address this question.

i. Key Findings Regarding the Performance of Pseudolaw

The following section sets out the key findings on the *Performance of Pseudolaw.* It is divided into two parts – the first looking at the overarching issue of the form of manifestation and substantive argumentation, and the second examining how pseudolaw is performed.

a) Manifestation of Pseudolaw

The first set of findings on this theme, set out in the table below, examines how pseudolaw manifests itself in South Australian courts – including in forms of language used, the types of arguments proffered, and the participants in the proceedings.

Table 19: Manifestation of Pseudolaw

	Themes	Key Finding	Illustration
8	**Pseudolaw Tropes**		
8.1	**Archaic and obscure legal instruments**	Pseudolaw adherents use archaic and obscure legal instruments to articulate and support their arguments.	***Interview 1: Judicial Officers, 295 – 299.***
8.2	**Templates and Scripts**	Manifestations of pseudolaw often involve templates and/or scripts.	***Interview 2: Judicial Administrator, 14 – 15; Interview 2: Judicial Administrator, 25.***
8.3	**Anti-government**	Manifestations of pseudolaw often centre around a deep mistrust of government and legal systems.	***Interview 3: Judicial Administrator, 622 – 626.***
8.4	**No consent**	Manifestations of pseudolaw frequently involve assertions that the court has no jurisdiction.	***Interview 1: Judicial Officers, 27 – 31.***
8.5	**Strawman**	Manifestations of pseudolaw often involve strawman arguments.	***Interview 5: Judicial Officer, 144.***
8.6	**Illegitimate State**	Pseudolaw adherents often view the state as illegitimate, relying on sources like the Australia Acts, United Nations instruments, and conspiracy theories about the Commonwealth of Australia. Their courtroom behaviour	***Interview 3: Judicial Administrator, 89 – 92.***

		also reflects this belief, as they refuse to comply with standard procedures and challenge judicial and court staff authorities.	
8.7	**Paperwork**	Manifestations of pseudolaw almost always involve voluminous filings and lots of paperwork.	***Interview 4: Judicial Officer, 221 – 223; 238.***
9	**Distinct Types of Pseudolaw Litigants**		
9.1	**Types of Litigants**	Pseudolaw adherents can be categorised into groups: (1) genuine self-represented litigants who mistakenly adopt pseudolaw arguments, (2) individuals who cynically use pseudolaw to evade legal responsibilities without believing in it, and (3) true believers who fully embrace the ideology and live outside societal norms. The latter two groups are particularly challenging to deal with, as they either exploit the system or become increasingly aggressive when faced with legal consequences.	***Interview 6: Judicial Officer, 100 – 123.***
10	**Nature of Proceedings**		
10.1	**Proceedings generally**	The primary focus for pseudolaw adherents is not on the procedural aspects of the legal process but rather on using any means to challenge or oppose legal actions.	***Interview 5: Judicial Officer, 131 – 132.***
10.2	**Different emphasis between civil and Nature of Proceedings criminal proceedings**	Pseudolaw manifests differently in civil and criminal proceedings. In civil proceedings, it is about "fighting for personal rights", and in criminal proceedings, it is about "fighting against the state."	***Interview 4: Judicial Officer, 65 – 74.***
11	**Usually unrepresented but repeat players**		
11.1	**Usually unrepresented but repeat players**	Most pseudolaw adherents are unrepresented and some are repeat players.	***Interview 3: Judicial Administrator, 37 – 38.*** ***Interview 4: Judicial Officer, 304 – 305.***
12	**Gurus**		
12.1	**Gurus**	Gurus play a pivotal role in the spread of pseudolaw, acting as key influencers who provide scripts and guidance to followers.	***Interview 3: Judicial Administrator, 518 – 523.***
13	**Role of Lawyers**		
13.1	**Role of Lawyers**	Lawyers (in South Australia, a particular lawyer) sometimes play a role in pseudolaw by attracting pseudolaw adherents. These lawyers maintain professional credentials while blurring the line between genuine legal practice and opportunistic exploitation.	***Interview 3: Judicial Administrator, 512 – 513.***
14	**Distinctions from vexatious litigants**		
14.1	**Distinctions from vexatious litigants**	Pseudolaw manifests differently to vexatious litigants but sometimes it is difficult to draw a line.	***Interview 5: Judicial Officer, 27 – 31.***

The interviews highlighted seven broad sub-themes regarding the manifestation of pseudolaw. The key findings for each sub-theme can be summarised as follows:

1. **Pseudolaw Tropes:** Unsurprisingly, pseudolaw adherents in South Australia displayed the expected traditional tropes: archaic language, voluminous filings, standard templates and rituals, anti-government rhetoric and typical pseudolaw arguments.
2. **Distinct Types of Pseudolaw Litigants:** Pseudolaw adherents appear to take on a number of distinct forms, ranging from the more sympathetic to the more mercenary. The appropriate form of response was seen to vary depending on the type of litigant.
3. **Nature of Proceedings:** Pseudolaw appeared to manifest differently in civil and criminal proceedings, being more about fighting for 'personal rights' in the former context and more about 'fighting against the state' in the latter. That said, adherents

seemed largely to be indifferent to the type of proceeding, seeing them as a mere vehicle to advance their ideologies.

4. **Representation:** Participants reported that pseudolaw litigants are almost always self-represented but noted that this did not always mean they were unfamiliar or intimidated by the litigation process as many were repeat players.
5. **Gurus:** Participants noted that 'gurus' play a pivotal role in the spread of pseudolaw, acting as key influencers who provide scripts and guidance to followers.
6. **Role of Lawyers:** There was evidence that lawyers (and in South Australia, a particular lawyer) sometimes play a role in pseudolaw by attracting pseudolaw adherents and introducing them to these ideas.
7. **Distinctions from Vexatious Litigants:** While it was acknowledged that in some instances pseudolaw adherents may also be vexatious, the general view was that these remain distinct phenomena.

Further exposition of these sub-themes, with relevant illustrations and quotations, is outlined in Appendix 1.

b) Performance of Pseudolaw

The second set of findings on this theme, set out in the table below, examines the 'performance' of pseudolaw, recognising the almost ritualistic, or perhaps theatrical, nature of the way in which pseudolaw appears in proceedings.

Table 20: The Performance of Pseudolaw

	Themes	Key Finding	Illustration
15	**Language as Performance**		
15.1	**Using scripts (speaking)**	Pseudolaw adherents use 'scripts' in court proceedings, appropriating legal talk in ways that may not be in sync with legal conventions for who can say what to whom, about what, and when.	***Interview 3: Judicial Administrator, 667 – 669.***
15.2	**Bombarding with emails/letters (writing)**	Pseudolaw adherents often send voluminous requests, demands and/or assertions via email, letters and/or documentation.	***Interview 6: Judicial Officer, 35.***
15.3	**Subverting the court register**	Some pseudolaw adherents seek to subvert the formal register of court proceedings, drawing on a legal lexicon that is substantively meaningless but functionally purposive for their own agendas.	***Interview 2: Judicial Administrator, 191.***
15.4	**Manipulating talk**	Pseudolaw adherents may opportunistically manipulate meaning in ways that serve their own agendas (e.g., simultaneously shifting between clarifying points and challenging the judicial officer).	***Interview 6: Judicial Officer, 474 – 480.***
15.5	**Escalating**	Pseudolaw adherents' language choices can seek to escalate, expand and control the space (e.g., accusing the judicial officer, denying name, refusing to stand, taking the floor out of turn).	***Interview 6: Judicial Officer, 476; Interview 3: Judicial Administrator, 625 – 628.***
16	**Actions as Performance**		
16.1	**Bringing supporters to watch**	Pseudolaw adherents often bring supporters to watch them in court as both audience and participants.	***Interview 4: Judicial Officer, 346 – 350.***

16.2	**Intimidating**	Some pseudolaw adherents, particularly those who are 'true believers', deliberately perform disruptively to unsettle the judiciary and other court staff.	***Interview 3: Judicial Administrator, 179 – 183.***
16.3	**Believing they are in the right**	Some pseudolaw adherents perform as though they genuinely believe their arguments or submissions are the correct position.	***Interview 1: Judicial Officers, 385 – 389.***
17	**Presentation as Performance**		
17.1	**Displaying demeanours – assertive, aggressive, threatening**	Pseudolaw adherents often present as aggressive, assertive and threatening.	***Interview 3: Judicial Administrator, 291 – 293; Interview 3: Judicial Administrator, 326 – 328.***

The interviews highlighted three broad sub-themes regarding the manifestation of pseudolaw. The key findings for each sub-theme can be summarised as follows:

8. **Language as Performance:** The use and form of language were seen to be central to the performance of pseudolaw, with language often used in a highly artificial, manipulative and escalatory manner.
9. **Actions as performance:** There was a range of commonly seen ritualistic behaviours in the actions by which pseudolaw was 'performed', including bringing an audience to see and participate in that performance.
10. **Presentation as Performance:** These actions and use of language resulted in pseudolaw adherents presenting in a manner that was seen as aggressive, assertive and threatening.

Further exposition of these sub-themes, with relevant illustrations and quotations, is outlined in Appendix 1.

ii. Discussion Regarding the Performance of Pseudolaw

When we refer to the 'performance' of pseudolaw, we are focusing on how it manifests within the judicial system, both in courtrooms and registries. This includes the types of arguments presented, as well as the behaviours and conduct of its proponents. A degree of theatricality, indeed of ritualistic behaviour, has been recognised as one of the defining features of pseudolaw.[55] For example, in his influential paper 'A Kind of Magic', Cash observes:

> Ritual and ceremony have long been at the heart of pseudolaw ideology. Documents are marked with signals and signs. Written submissions bear the appearance of incantations. Statutes are parsed to discover hidden meaning and codes. It is unsurprising then that pseudolaw has been likened to magic.[56]

The relevant questions in the interviews sought to understand the types of 'magic' that were being deployed in South Australia, in terms of the precise *forms* of pseudolegal argumentation that are being deployed, and to document the *manner* of that performance, in terms of the behaviours of adherents in litigation.

[55] Hobbs, Young and McIntyre (n 6) 313.
[56] Glen Cash, 'A Kind of Magic: The Origins and Culture of "Pseudolaw"' (Speech Delivered at the Queensland Magistrates State Conference, Brisbane, 2022) 9.

Much of the scholarship on pseudolaw is directed to the first limb, examining the types of arguments that are being made in court by pseudolaw litigants[57] or tracing the history and development of those arguments.[58] There has also been some recent empirical research on the performance of pseudolaw that focuses on the beliefs of adherents.[59] However, there is an almost complete absence of empirical research that seeks to document or understand the *manner* in which pseudolaw beliefs manifest in litigant behaviour in court. Therefore, to the extent that this study sheds light on how judicial officers view and understand adherents' performances, it is unique.

a) Manifestation of Pseudolaw

> ***they are variations but all variations of a theme, usually. The theme being, the system is out to get me, I am fighting the good fight.***
>
> Judicial Officer[60]

When we look at the substantive way in which pseudolaw manifests, the experience of interview participants tended to reflect experiences recounted in both literature and case law in other jurisdictions. Irrespective of the content of the dispute, or the precise legal issues involved, pseudolaw adherents showed a strong tendency to use archaic and obscure legal instruments (such as the Magna Carta) to articulate and support their arguments. Interviewed participants reported using these common tropes when employed by adherents as a means of identifying them as such. As one Magistrate explained, this appeal to archaic sources seems to occur irrespective of the issues at hand. They observed that the legal instruments used are irrelevant to the case at hand, with the effect that arguments tended to be similar:

> …in the sense that it's *referring to obscure, if they even exist, very obscure, ancient pieces of legislation or common law* that likely were articulated, if they were ever articulated, or in a context that has nothing to do with what you are dealing with now. But *it's a set of words that sounds good for the circumstances*.[61]

This approach highlights that arguments were often not particularly targeted or relevant. Indeed, participants noted that pseudolaw litigants seemed to rely on common scripts or templates. As one judicial administrator noted, there seems to be the 'same sort of template that everyone's using'.[62] Indeed this sharing of resources seems to have extended to the point that

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[57] Ibid; Hobbs, Young and McIntyre (n 6); Stephen Young, Harry Hobbs and Joe McIntyre, 'The Growth of Pseudolaw and Sovereign Citizens in Aotearoa New Zealand Courts' (2023) 1 *New Zealand Law Journal* 6; Donald J Netolitzky, 'A Rebellion of Furious Paper: Pseudolaw as a Revolutionary System' (Conference Paper, Sovereign Citizens in Canada Symposium, Centre d'expertise et de formation sur les intégrismes religieux et la radicalisation, 3 May 2018).

[58] See, e.g., Donald J Netolitzky, 'The History of Organized Pseudolegal Commercial Argument Phenomenon in Canada' (2016) 53(3) *Alberta Law Review* 609; Donald J Netolitzky, 'The Dead Sleep Quiet: History of the Organized Pseudolegal Commercial Argument Phenomenon in Canada – Part II' (2023) 60(3) *Alberta Law Review* 795; Donald J Netolitzky, 'New Hosts for an Old Disease: History of the Organized Pseudolegal Commercial Argument Phenomenon in Canada – Part III' (2023) 60(4) *Alberta Law Review* 971.

[59] Kate Leader, 'Conspiracy! Or When Bad Things Happen to Good Litigants in Person' (2024) *Legal Studies*, <https://doi.org/10.1017/lst.2024.18>.

[60] Interview 4: Judicial Officer, 763–765.

[61] Interview 1: Judicial Officer, 295–299 (emphasis added).

[62] Interview 2: Judicial Administrator, 14–15.

'a lot' of documents filed in disparate matters by disparate parties even 'have the same signature'.[63]

Participants reported that a common theme underlying many pseudolaw submissions and arguments was a deep mistrust of government and legal systems. As one judicial officer noted, 'they are very angry, very cross with the state government'.[64] A judicial administrator also similarly stated that proponents are 'scared of what's going on' and 'don't trust the government'.[65] While the precise target of these anti-government beliefs varied with circumstances (for example, challenges to specific COVID-19 regulations like the mask-wearing mandate and QR check-ins to broader concepts such as council rates and mortgages),[66] this underlying distrust remained common.

Another common form by which pseudolaw manifested was in the extensive use of paperwork used by adherents in their litigation. Both judicial officers and administrators referred to the voluminous filings and paperwork as a key manifestation of pseudolaw. As one Supreme Court judicial officer noted:

> The *first indicator is always the voluminous filings*. Enormous quantities of documents and pleadings and then trying to work out what the issues are from those pleadings is almost impossible … *Very keen on paperwork, very keen*.[67]

In terms of the substantive arguments that are being deployed by adherents in their litigation, there was recognition of the three major pseudolaw argumentative tropes (strawman, lack of consent to law, invalidity of law).

The first of these substantive common pseudolaw tropes, the strawman argument, holds that state law applies only to an artificial 'strawman' and not an individual who remains free.[68] One participant described this 'blood and bone type claim' as 'the classic pattern' they see for pseudolaw claims.[69] Another participant observed that 'strawman gets thrown around a bit',[70] while another simply observed that litigants argue 'they are not the person'.[71] Interestingly, stakeholders in the higher courts appeared to report more of a pattern of strawman arguments than those in the lower courts.

The second substantive common pseudolaw trope, the 'lack of consent' argument, is often framed in the idea that all forms of law are contracts, and in the absence of individual consent or a legal relationship between the defendant and the court, there is no jurisdiction.[72] While most stakeholders discussed how pseudolaw often involves assertions that the court has no jurisdiction, only one directly raised this lack of consent argument. That participant observed:

> if you get past that point they will move on to a series of assertions that the court has no jurisdiction. But they don't put it quite like this, because the court has no jurisdiction over them, because *there's no contract between the court; they don't consent to the court having*

[63] Ibid 25.
[64] Interview 4: Judicial Officer, 141.
[65] Interview 3: Judicial Administrator, 109.
[66] Interview 3: Judicial Administrator, 69–70.
[67] Interview 4: Judicial Officer, 227–228 (emphasis added).
[68] Hobbs, Young and McIntyre (n 6) 325–28.
[69] Interview 5: Judicial Officer, 144.
[70] Interview 3: Judicial Administrator, 34–35.
[71] Interview 1: Judicial Officer, 293.
[72] Hobbs, Young and McIntyre (n 6) 328–30.

> *any jurisdiction* and they will often refer back to what they believe to be common law coming out of England I think from years ago.[73]

The third substantive common pseudolaw law trope, the 'defective law' argument, holds that the putative law being applied in the case is of no effect or otherwise defective because the state itself is illegitimate, or because some other obscure principle invalidates the law.[74] These claims draw on sources like the *Australia Acts*, *Magna Carta*, and conspiracy theories about the Commonwealth of Australia. One judicial officer provided the following observation about how this manifests:

> that's morphed over time into the *Australia Acts*, the United Nations arguments, the Commonwealth of Australia registered company in the States, all of those sort of arguments. And [one litigant] had 200+ pages in his tender book that included on page 1 the photograph of Stalin, Roosevelt, Churchill. *He saw that obviously beginning the United Nations group started to go wrong*.[75]

Participants observed that litigant's courtroom behaviour also reflects this belief, as they refuse to comply with standard procedures and challenge judicial and court staff authorities.

> [one pattern] is *refusing to comply with just the normal standards of behaviour that we require when you come to court*. And they will identify by saying "we don't comply", "we don't recognise your authority", that's the main one. You're not police officers, sheriff's officers, judges, magistrates. We do not recognise their authority. *One of the things we persistently see when they come into the courtroom is they want to know the judges or the magistrates authorities. And why they're able to preside over their matter*.[76]

Pseudolaw manifest differently in civil and criminal proceedings, being more about fighting for 'personal rights' in the former context and more about 'fighting against the state' in the latter. That said, adherents seemed largely to be indifferent to the type of proceeding, seeing them as a mere vehicle to advance their ideologies.

> It varies depending on the type of matter. *In the criminal jurisdiction, it's things, like I've got a right to bear arms,* firearms charge or this court's got no jurisdiction over me - then you get into most of the sovereign citizen arguments, contractual basis or whatever the jargon is of that week, or I won't respond in answer to my bail until you agree to pay my invoice and those kinds of matters. *In the civil jurisdiction, it is more about people trying to enforce perceived rights* that they have researched, and *they feel hard done by because of some particular thing that's happened* and so they then have recourse to what they think are their rights having gone to the Internet research various things. *So, it's that, "I'm fighting against this state" is mostly the criminal stuff and "I'm fighting for my rights" which is more than* [sic] *civil*.[77]

The primary focus for pseudolaw adherents is not on the procedural aspects of the legal process but rather using any means to challenge or oppose legal actions. As one judicial officer observed:

> It really, in a sense, *the procedural vehicle is not important, it is about getting before the court to challenge or oppose what it is that is happening to the litigant.*[78]

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[73] Interview 1: Judicial Officer, 27–31 (emphasis added).
[74] Hobbs, Young and McIntyre (n 6) 330–32.
[75] Interview 5: Judicial Officer, 145–149 (emphasis added).
[76] Interview 3: Judicial Administrator, 89 – 92 (emphasis added).
[77] Interview 4: Judicial Officer 65–74 (emphasis added).
[78] Interview 5: Judicial Officer, 131–132 (emphasis added).

Overall, while participants confirmed that all dominant substantive pseudolaw tropes were occurring in South Australian litigation, these specific substantive arguments were not the defining features in identifying pseudolaw adherents. Rather, the dominant factors were more attitudinal and behavioural – the constant questioning of authority, the voluminous paperwork and filings, and the reliance on obscure but apparently scripted arguments. What stood out most, however, was the conspiratorial belief that the 'system' was rigged against them, and they viewed themselves as fighting the 'good fight' using what they believed to be powerful and effective tools of resistance.

b) The Performers of Pseudolaw – Who is involved

> ***We are also noticing a bit of cross-pollination between groups appearing. So, you'll see some of the same faces show up for other people as well. So clearly, they are communicating via social media and coordinating their activities.***
>
> Judicial Administrator[79]

In terms of who is involved in these arguments, there is a combination of 'lone wolves', the misguided, the mistaken, repeat players, true believers, and adherents operating as part of a collective. Several stakeholders suggested that pseudolaw adherents could be distinguished according to their backgrounds and motivations. Participants who discussed this point placed pseudolaw adherents into categories based on how they manifest in court. One particularly reflective observation sought to put litigants into the following taxonomy:

> I think there are 3 different groups that I see. One group who are *genuine self-represented litigants who cannot afford a lawyer and go on the internet to see if they can find out what to do next* or what arguments they should be running or how should I draft this argument and they stumble across this sovereign citizen stuff and they don't know that it is rubbish. They can't tell the difference between law and pseudo law and I've had a couple like that and you can redirect them. You can say be careful what you see on the internet because it's not always right. Secondly, the reason this argument won't work is … and you can reason with them and you can steer them away from it. So that's the first lot.
>
> The second lot of people are the ones who, they *do not believe any of it but they use it to avoid their legal responsibilities.* And again, and I think they have stumbled across it on the internet, obviously I have no idea how they found it. The genuine ones tell me they found it on the internet. And I say well, look maybe don't do that. These ones, they don't tell me how they got these arguments but my own impression having now dealt with many of them, they don't believe any of it they are just trying to avoid their legal responsibilities, and it's just an easier way to deal with it. The third category is the *true sovereign citizen who have bought into the whole thing. … the true believer*.[80]

The first group, the 'genuine but confused' are the self-represented litigants who mistakenly adopt pseudolaw arguments. The second, the 'mercenaries', are individuals who cynically use pseudolaw to evade legal responsibilities without believing in it. The third, the 'true believers,' fully embrace the ideology and live outside societal norms. These different categories were recognised by other participants.[81] The latter two groups were recognised as being particularly

[79] Interview 3: Judicial Administrator, 266–268.
[80] Interview 6: Judicial Officer, 100–123 (emphasis added).
[81] Interview 3: Judicial Administrator, 106–114; Interview 5, Judicial Officer, 67; 175; 246 – 259.

challenging to deal with, as they either exploit the system or become increasingly aggressive when faced with legal consequences. One interviewee explained:

> in terms of how you deal with them, the second and third categories, *it doesn't really matter which one they are, they are just as hard to deal with*. Although, *the middle category aren't threatening whereas the real ones can be very threatening*.[82]

Participants observed that there was a tendency for pseudolaw litigants to be repeat players,[83] with one judicial officer observing: 'They tend to be serial if they get a taste for it and then you will see them a lot.'[84] This has led to some administrators developing tools to keep track of key repeat individuals, with one judicial administrator observing:

> *on my list I've got about 45 people that are problematic and have been problematic.* We've had everybody from some of the national leaders, like Ricardo Bosi, at the Magistrates Court during COVID. He was charged at Adelaide airport with not complying and then appeared by telephone and had 10 of his followers show up to court to watch. He appeared by telephone and began to tear strips off the Magistrate:[85]

As this quote illustrates, some of these repeat players are operating as part of a network of pseudolaw groups and it appears that these support networks are fairly extensive. Some appear to be led by active individuals or 'gurus', who play a key role in the distribution and prevalence of pseudolaw by providing scripts and guidance to followers.

Participants encountered gurus in different ways, though there was a common recognition that gurus play a pivotal role in the spread of pseudolaw. Some discussed specific gurus who spread pseudolaw locally, while others (as in the quote above) noted specific gurus from interstate who spread pseudolaw nationally. One judicial administrator observed:

> And there are others, *there is a guy on social media, out of I think Victoria, who really spruces himself as someone who can help these people when they come to court. He's appeared here for a South Australian matter as well*. I saw him walk through and recognised his face, took a minute and was like "oh, that's the guy from social media". And he is assisting a gentleman who is coming through this court at the moment for drug trafficking. That whole sovereign thing.[86]

Other participants suggested that gurus may have a less active role, with pseudolaw adherents instead appearing to gain access to information via the internet or social media. In these cases, pseudolaw is unmoored to South Australia and possibly Australia entirely. Common to the interviews was the view that active gurus are responsible for particular waves of pseudolaw litigation. One Magistrate noted that they dealt with 'quite a bit' of pseudolaw activity in 2012-13, 'because there was a guru in town [Tantanoola] who was spreading the good oil'.[87]

In terms of the relationship between pseudolaw adherents and the legal profession, the overwhelming experience was that pseudolaw adherents were unrepresented,[88] though it appears that some litigants may have consulted legal professionals at some point.[89]

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[82] Interview 6: Judicial Officer, 119–125 (emphasis added).
[83] Interview 3: Judicial Administrator, 199–200.
[84] Interview 4: Judicial Officer 304–305.
[85] Interview 3: Judicial Administrator, 236–241 (emphasis added).
[86] Interview 3: Judicial Administrator, 518–523 (emphasis added).
[87] Interview 1: Judicial Officer, 50–52.
[88] Interview 3: Judicial Administrator, 37–38.
[89] Interview 1: Judicial Officer, 118.

Concerningly, there was evidence that some lawyers and legal professionals are sometimes involved in quasi-pseudolegal activity. One lawyer was identified as having gained prominence within the movement by representing individuals with pseudolegal beliefs. It was not clear whether this lawyer shared the beliefs of their clients or was doing this as a business opportunity.[90] Interviewees noted that the lawyer did not run 'sovereign citizen stuff' but ran close to 'actively misleading the court' and sought to subpoena 'a lot of documents from the police that loosely had some relevance to the case' but was more likely aimed at delaying and frustrating proceedings.[91] One judicial administrator observed:

> *…by the time they end up with a lawyer the sovereign citizen stuff is in the background. You're getting some pretty unprofessional submissions and pretty unprofessional ways of running the cases, but they're not relying on any sovereign citizen argument*. With these ones, all the ones that I saw, was some sort of challenge either to radar equipment to laser equipment that involves them trying to get access to all sorts of documents to run the defence and I think that was the common.[92]

Stakeholders had different reactions and responses to lawyers acting for pseudolaw adherents, ranging from scrutiny to potential disciplinary actions. One judicial administrator noted that they were 'nervous' because the lawyer was able to avoid point-of-entry search processes.[93] There was some uncertainty as to whether the lawyer who engaged in this quasi- or pseudolaw adjacent activity actually believed the arguments and whether they were potentially dangerous as pseudolaw adherents can be.

Despite the apparent overlap, stakeholders agreed that pseudolaw manifests differently to vexatious litigants, even if it is difficult to draw a line. Specific features of pseudolaw like references to archaic and obsolete documents are noted as common to pseudolaw but do not always provide a definitive boundary. One judicial officer noted:

> *it's very difficult to distinguish between the advocates of pseudolaw and vexatious litigants more generally. I recognise that there is a difference,* and the difference can be found in the features that often accompany the advocates of pseudolaw such as the references to the *Magna Carta* or the *Australia Acts* and so forth. *But there is no bright line I don't think*.[94]

Overall, there was a clear recognition that pseudolaw was being performed by a range of different actors, and the appropriate response needed to be tailored to the particular type of litigant in court. Most concerning was the 'true believers' who tended to operate as part of a relatively sophisticated network, often led by a 'guru', and who can be threatening and combative.

c) The Theatricality of Performance of Pseudolaw

> ***I mean if you are a standard litigant you email Chambers if you need something or, you don't just send them 5 emails a day. … and you don't CC in the Governor-General, the Federal and State Attorney-Generals, the Governor, the Prime Minister, the King, the Premier, your local member, the Chief Justice of every jurisdiction in Australia. I mean seriously the CC list that these people add in is***

[90] Interview 3: Judicial Administrator, 512–513.
[91] Interview 1: Judicial Officer, 725–737.
[92] Ibid 759–762 (emphasis added).
[93] Interview 3: Judicial Administrator, 498.
[94] Interview 5: Judicial Officer, 27–31 (emphasis).

> ***enormous. Federal police, Grant Stevens [Commissioner of Police] … It's performative.***
>
> Judicial Administrator[95]

Participants were highly attuned to the fact that for pseudolaw litigants, there was a theatrical and performative nature to litigation.

For these 'true believers' in particular, the inherent theatricality of the judicial hearing was an opportunity to be taken advantage of, with these pseudolaw adherents often bringing supporters with them to court, both as audience and participants. At times, adherents may bring along a few supporters who act as an audience, as passive observers. One judicial officer reflected on this phenomenon in the following way:

> I think more often than not they come along with at least a friend and sometimes there's a little group of them sitting at the back of the court. I've never seen any of that group behave badly. *They just sort of sit there and watch what's going on. I assume they are like-minded people.*[96]

These supporters are sometimes just a single person, but more often than not it is a small group that might range to more than 20 people. The larger groups tended to take on a more active role, and their presence was seen to be a performative act. For example, one judicial officer observed:

> This woman I'm talking about always has a cheer squad. [Another litigant] *always has a cheer squad, which was interesting too because it was peak COVID. He had about 30 people with him, and I could only allow 4 in because of social distancing* so that was interesting. It was a good start to the proceedings. That's when I got the first inkling it was not a normal civil claim.[97]

Participants reported differences in how the supporters acted in court, ranging from a quiet show of solidarity,[98] to outright attempts to disrupt proceedings by engaging in organised actions and attempting to illegally record proceedings.[99] There was evidence that some pseudolaw adherents, particularly those who are 'true believers', deliberately perform disruptively to unsettle the judiciary and other court staff.

> They vary from folks that are some of those frightened ones looking for simple solutions. Then there are *the more insidious, sinister elements to it.* There are folks who are wanting to take on authority in a more open and overt way, to gain notoriety, to show that the movement is legitimate and that they have a power. So, *they will deliberately come to court to disrupt court, to disrupt us and the judiciary*.[100]

The performative nature of the supporters was explained in one interview, where the judicial officer stated, '45 people in the courtroom … stood up in a concerted movement in a sort of choreographed movement and started walking toward the bench and then one of them was

[95] Interview 6: Judicial Officer, 293–301.
[96] Interview 1: Judicial Officer, 254–257 (emphasis added).
[97] Interview 4: Judicial Officer, 346–350 (emphasis added).
[98] Interview 1: Judicial Officer, 256; Interview 4: Judicial Officer, 346; Interview 5: Judicial Officer, 216. Interview 6: Judicial Officer, 277.
[99] Interview 3: Judicial Administrator, 432–435; Interview 6: Judicial Officer, 216–219.
[100] Interview 3: Judicial Administrator, 179–183 (emphasis added).

filming.'[101] This demonstrates that bringing along a group of supporters may also be an attempt to intimidate the court. Stakeholders at lower levels of the court hierarchy were more likely to make this point. This intimidation can take on several forms, including physical behaviour and verbal exchanges, as well as a deliberate flouting of relevant rules of behaviour. As one judicial administrator observed:

> There is a lot of body language and audible and verbal exchanges that occur in the courtroom from the gallery with their followers there in support of whoever is going through whatever. *And they do it in a manner that is deliberate to intimidate the judicial officer.* There is also attempts to record everything, want to get their phones out, which they are not permitted to do on court premises. … These people do not want to seem to understand that message. They think it is all part of some broader, grand conspiracy. So, they record in order to keep record of a crime is what they say. That's why the followers show up so that they can witness if a crime is being committed.[102]

Irrespective of whether they are accompanied by supporters, participants agreed that pseudolaw adherents are often assertive, aggressive and threatening in their demeanour in court. Once again, those at lower levels of the court hierarchy, and closer to the 'front-line', reported higher incidences of aggression, shouting and yelling. Some interviewees reported personally being threatened by this behaviour. One judicial administrator reported:

> we copped a lot of threats, especially during COVID. A lot of this – "you're going to be put in front of a tribunal" and "you're going to be hung from the trees in Victoria Square".[103]

Beyond the audience, and the intimidating nature of the performance, the theatricality of pseudolaw is also present in the way adherents approach the delivery of their arguments. Several participants noted that appeared more akin to actors reciting lines than advocates engaging in persuasion, with adherents often exhibiting a shallow confidence in the presentation of scripted argument. As one judicial administrator observed:

> They will come a lot of them and *have this confidence what they are preaching, their argument, it's like they've studied this script and they come to court and then they just reel it off.* They have this confidence:[104]

However, other participants recognised that not all pseudolaw adherents had confidence in delivering scripted arguments, with some adherents appearing to simply read out a script without rehearsal or any real understanding of what they were saying (or its implications).[105]

Overall, it is apparent that pseudolaw adherents are perhaps more alert to the inherent theatricality of litigation than most self-represented litigants, and much more willing to exploit that theatricality for their purposes. A defining feature of pseudolaw is its deliberate manipulation of the litigation process, whether through the mode and style of delivery, the use of aggression and intimidation, the recruitment of 'audiences' to observe, support, and participate, or the reliance on scripted language. These elements set pseudolaw apart in its distinctive performative approach.

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[101] Interview 6: Judicial Officer, 217–219.
[102] Interview 3: Judicial Administrator, 275–283 (emphasis added).
[103] Interview 3: Judicial Administrator, 326–328.
[104] Interview 3: Judicial Administrator, 667–669 (emphasis added).
[105] For example, one participant stated, 'And so, whatever it is that they've been told to say doesn't necessarily come out quite the way that whoever authored it intends it to come out': Interview 1: Judicial Officer, 277–278.

C. The Impact of Pseudolaw

The third theme in the analysis sought to understand the impact of pseudolaw – both on the participants in litigation and on the broader judicial system. Indicative prompts that were used in this context in the interviews included questions such as the following:

- Do you see pseudolaw as having a detrimental on adherents?
  - Are these legal cases that could be resolved very quickly but for pseudolaw?
  - Is there an underlying legal merit that sits beneath the pseudolegal claims?
- What type of impact is pseudolaw having on judicial officers and court staff?
- Are there systemic impacts arising as a result of pseudolaw?

The purpose of these questions was to try to elucidate insights into individual and systemic impacts the emergence of pseudolaw was having on South Australia's judicial system and the participants in that system. This included attempts to understand how the use of these arguments may be impacting upon the litigants themselves, as well as how the phenomenon was impacting the workload and health and well-being of judicial officers and administrators.

One of the key questions underlying this research was *what impact* pseudolaw is having on South Australian courts, in terms of scale, form and domain. The findings in this section sought to address this question.

i. Key Findings Regarding the Impact of Pseudolaw

The following section sets out the key findings on the *Impact of Pseudolaw*. In contrast to the first two themes, this analysis is not divided into parts, and instead directly looks at the various sub-themes.

Table 21: The Impact of Pseudolaw

	Themes	Key Finding	Illustration
18	**Impact on the Administration of Justice**		
18.1	**Impact on the administration of justice generally**	Pseudolaw is recognised as a top concern for those working in the court system.	***Interview 4: Judicial Officer, 642 – 645; Interview 3: Judicial Administrator, 443.***
18.2	**Time spent dealing with pseudolaw**	Pseudolaw impacts the administration of justice by consuming an enormous amount of time and resources.	***Interview 4: Judicial Officer, 404 – 405; Interview 2: Judicial Administrator, 122; Interview 6: Judicial Officer, 21 – 22.***
18.3	**Cost spent dealing with pseudolaw**	Pseudolaw impacts the administration of justice by costing the courts significant sums of money.	***Interview 2: Judicial Administrator, 190 – 191; Interview 3: Judicial Administrator, 562 – 564; Interview 6: Judicial Officer, 31-33.***
18.4	**Judicial officers assisting unrepresented litigants**	Pseudolaw impacts the administration of justice as pseudolaw adherents are usually unrepresented and judicial officers have an obligation to assist.	***Interview 1: Judicial Officers, 502 – 507.***
18.5	**Impact on the rest of the justice system**	Pseudolaw impacts the justice system as it slows court processes such as judgment writing.	***Interview 6: Judicial Officer, 463 – 464; Interview 6: Judicial Officer, 127 – 132; Interview 4: Judicial Officer, 453.***
19	**Impact on Society**		
19.1	**Impact on society**	Pseudolaw adversely impacts society in general.	***Interview 6: Judicial Officer, 585 – 590.***

20	**Impact on the Litigant**		
20.1	**Often there is a real issue underlying the pseudolegal submissions**	Pseudolaw adherents often have a genuine legal issue that is masked by nonsensical pseudolegal arguments.	***Interview 5: Judicial Officer, 173 – 176.***
20.2	**Impact on the litigant**	Pseudolaw adversely impacts litigants who rely on pseudolegal arguments.	***Interview 1: Judicial Officers, 520 – 521.***
21	**Personal Impact on Judicial Officers/Administrators**		
21.1	**Emotional distress**	Pseudolaw adherents can create significant emotional distress for those working in the courts. This can complicate the administration of justice.	***Interview 6: Judicial Officer, 27 – 29; Interview 6: Judicial Officer, 206 – 207; Interview 2: Judicial Administrator, 394 – 395.***
21.1	**Intimidation and threat of violence**	The intimidation and threat of violence used by some pseudolaw adherents can profoundly impact court staff and the judiciary. This undermines their safety and well-being.	***Interview 6: Judicial Officer, 415 – 419; Interview 3: Judicial Administrator, 345 – 346; Interview 4: Judicial Officer, 503 – 504.***

The interviews highlighted four broad sub-themes regarding the manifestation of pseudolaw. The key findings for each sub-theme can be summarised as follows:

1. **Impact on the Administration of Justice:** Pseudolaw was seen to be one of the most detrimentally impactful issues facing participants. Pseudolaw imposes a workload out of all proportion to the number of cases, which unduly burdens the progression of other cases and the general administration of justice.
2. **Impact on Society:** Participants observed that pseudolaw was having detrimental impacts on aspects of society more generally, including upon police, public health and local governments.
3. **Impact on Litigant:** Participants recognised that in many instances some legitimate concerns and arguments were being masked by nonsensical pseudolegal arguments. In this, and other ways (including exposure to greater costs and penalties), pseudolaw was detrimentally impacting upon adherents themselves.
4. **Personal Impact on Judicial Officers/Administrators:** Particularly for those participants dealing with a high frequency of pseudolaw matters, the growth of pseudolaw was having a significant detrimental impact on judicial officers, administrators and staff. This is not undermining their health and well-being, but significantly negatively impacting their job satisfaction.

Further exposition of these sub-themes, with relevant illustrations and quotations, is outlined in Appendix 1.

ii. Discussion Regarding the Impact of Pseudolaw

The third theme seeks to understand the impact of pseudolaw – both on the participants in litigation and on the broader judicial system. It is now well recognised that the use of pseudolaw arguments has a detrimental impact on adherents, not least because pseudolaw arguments never win.[106] Another problem is that those who use pseudolaw can bury legitimate legal issues under pseudolaw.[107] Justice Livesey highlighted this issue in his conclusions in the case of *Rossiter,*[108] observing:

[106] Hobbs, Young and McIntyre (n 6) 338–40.
[107] Young, Hobbs and McIntyre (n 57).
[108] *Rossiter v Adelaide City Council* [2020] SASC 61.

> It is regrettable that the appellant has advocated the various pseudolegal arguments underpinning this appeal. If he has acted on the advice of others, he is well advised to stop doing so. His decision to defend has resulted in a trivial parking fine escalating to a financial burden exceeding $2,000.[109]

However, it is the impact of pseudolaw on the administration of justice, and indeed upon society more generally, that are often seen as the most pressing concerns. It is recognised in the literature that in addition to the 'opportunity cost of time spent handling these cases,' there are other harms such as 'the cost of marginal security measures'.[110] Pseudolaw adherents tend to file frivolous and lengthy documents filled with irrelevant or misinterpreted legal jargon, which wastes valuable court time and delays legitimate cases. The strain on resources makes it difficult for courts to maintain efficiency, as judicial officers and judicial administrators spend considerably more time addressing these baseless claims.

Pseudolaw also poses a challenge to the authority of the judiciary. By promoting conspiracy theories, pseudolaw undermines public confidence in the legal system and may create an environment where litigants believe they can disregard established legal processes. This erosion of trust may lead to a broader weakening of the rule of law, as pseudolaw proponents often encourage others to adopt similar tactics, thereby amplifying the problem.

a) Impact on the Administration of Justice:

> ***One of things that makes me angry about it is that it is we have a terrible problem to access to justice as it is, but this is compounding it.***
>
> Judicial Administrator[111]

Pseudolaw was seen to be one of the most detrimentally impactful issues for those working in the court system. One participant described it as one of the most pressing concerns facing their office, saying of pseudolaw:

> Yeah, it's Top 5 because *we've experienced all those levels of aggression from these folks and the threats*. It is of concern. *Definitely in the top 5.*[112]

This significant systemic impact on the administration of justice flows from the number of cases, and the disproportionate impact of each pseudolaw case. Participants emphasised that pseudolaw requires disproportionate expenditure of resources and time, and unduly burdens the progression of other cases. As one judicial officer observed, 'it's enormously time consuming. Dealing with these cases at every stage is far more time consuming than a properly represented case.'[113] Another judicial officer highlighted, for example, that the 'interlocutory stage lasts ten times as long as it should,'[114] and requires ruling and writing multiple small judgments on discovery, strikeout, summary judgment, etc.[115] Similarly, a judicial administrator observed that the behaviour of pseudolaw litigants involves 'just a waste of

[109] *Rossiter v Adelaide City Council* [2020] SASC 61, [52] (Livesey J).
[110] Colin McRoberts, 'Tinfoil Hats and Powdered Wigs: Thoughts on Pseudolaw' (2019) 58 *Washburn Law Journal* 637, 663–4.
[111] Interview 6: Judicial Officer, 463–464.
[112] Interview 3: Judicial Administrator, 435 (emphasis added).
[113] Interview 4: Judicial Officer, 404–405.
[114] Interview 6: Judicial Officer, 21–22.
[115] Interview 4: Judicial Officer, 410–415.

people's time, resources.'[116] Different participants highlighted different types of methods used by pseudolaw adherents that use significant time and resources, including the use of: voluminous correspondence and delays in pre-trial hearings, trials, interlocutory stages, all court proceedings, and reading filed materials.

A useful illustration of how these different modes of behaviour compound to significantly increase the workload of, and consume the cognitive energy of, judicial officers is highlighted in the following quote:

> *…it's enormously time consuming. Dealing with these cases at every stage is far more time consuming than a properly represented case*. So, *you spend a lot of time reading pleadings, trying to work out what it is abo*ut and then of course they are a bit flaky when it comes to turning up to hearings. Or if they do turn up, *they are a bit combative, and you end up having twice as many hearings* because you have to deal with those sorts of issues. *And then the hearing itself can be, can take at least twice as long as a normal hearing. And then writing the judgment, trying to distil what it is all about into something that makes a bit of sense is hard*. And having to deal with *all of these arguments is really quite tricky because you do have to deal with them in order to dismiss them*, you can't just ignore them and ignore that they have put that argument forward. You have to try and understand all of the stuff, the conventions etc. but you have to at least acknowledge the argument that was put. *They are enormous time wasters. Enormously*.[117]

Adherents commonly file 'reams' of irrelevant documents,[118] requiring judicial officers to dedicate time to read through those documents to discover if there is any relevant matter involved. There is also a tendency to challenge every single step in a process, and demand, for example, significant quantities of documents from prosecuting authorities. As one judicial officer observed:

> But *the trials if they do run can take quite much longer than they should* because the *documents that they try to get from the police are quite a volume of documents* and when you have a trial, *the police have to bring along extra witnesses,* well they don't have to but they do tend to and *they then get cross-examined*, which takes up a bit of time without probably adding terribly much to the process because of course the lawyers can't run the sovereign citizen stuff they've gotta find that quasi-defence.[119]

Again, these are examples of conduct that, while technically available to any defendant, are rarely taken because they are burdensome without any real benefit to the defendant.

Judicial officers reported finding the trials themselves difficult for a range of reasons. In addition to those issues discussed above, hearings can take longer because adherents may not show up, which means everyone has prepared and set aside time for a hearing that does not occur.[120] In other situations, adherents may be aggressive. These challenges are compounded by the fact that adherents are typically unrepresented, which puts an additional burden on judicial officers. As one participant observed:

> And *because they are usually unrepresented, as a [judicial officer] we have an obligation to provide a degree of assistance to the unrepresented defendant* so for example, the prosecutions presenting its case, a speeding case, they have a whole lot of documents that

[116] Interview 2: Judicial Administrator, 122.
[117] Interview 4: Judicial Officer, 404–415 (emphasis added).
[118] Interview 1: Judicial Officer, 504.
[119] Ibid 572–578 (emphasis added).
[120] Interview 4: Judicial Officer, 457.

> they want to rely on to prove their case and actually calling witnesses sometimes and as the trial magistrate, you would be obliged to at least advise the unrepresented defendant that they have a right to object to the tender of documents.[121]

The challenge of ensuring a fair hearing for self-represented litigants, whilst also respecting the adversarial nature of proceedings, is a familiar one in contemporary litigation. The additional challenge of pseudolaw is that self-represented litigants seem to have an inflated confidence in their own capacity and knowledge such that they are unreceptive to genuine attempts to provide assistance from the bench. Indeed, participants observed that pseudolaw litigants insist on going to trial and putting forth meritless arguments, even in situations where adherents are told their claims have no prospect of success.[122] One judicial officer noted the seriousness of the context of these matters could compound this challenge, as it does not help to tell someone to be reasonable or question what they read online when they are 'distressed and facing a loss of the home or livelihood or liberty'.[123]

Judicial officers noted that pseudolegal matters continue to impact their workload even after the trial is complete. For example, one participant highlighted the challenge of attempting to 'distil' what the case is all about 'into something that make a bit of sense'.[124] Another judicial officer noted the difficulties of dealing with such matters was having a wide-ranging systemic impact, leading to a 50% plus increase in overall judgment writing time. They observed:

> *My judgment writing time has blown out from 8 weeks – 12/14 weeks* because you have to write a judgment. You can't just say get out of my court room because then they appeal for lack of procedural fairness and not given proper reasons and they'd win, they'd get up. So you know, but then *trying to write a judgment, that addresses these issues it's like trying to grab a fish in the water, you can't get hold of it and it takes so long*.[125]

Despite the clear and proper care judicial officers are taking into crafting careful judgments in these difficult circumstances, adherents are rarely satisfied with allowing the decision to stand unchallenged. There was a perception that adherents will appeal all orders that are not in their favour.[126] Indeed, one participant noted that on one occasion an adherent appealed an order that 'was actually in his favour.'[127]

Overall, pseudolaw drains resources and imposes significant burdens on those dealing with frontline litigation. Participants were clear that it's a 'huge, *huge* problem',[128] which makes the legal system more cumbersome for everyone. One judicial administrator expressed frustration at how pseudolaw is 'taking up and utilising our resources to deal with what is essentially irrelevant, nonsensical correspondence.'[129] There was an unambiguous view amongst participants that the rise of pseudolaw has dramatically, and negatively, impacted on the administration of justice – even if the absolute number of cases is reasonably small. One judicial officer put this ability of a single matter to impact entire lists in the following terms:

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[121] Interview 1: Judicial Officer, 502–507 (emphasis added).
[122] Ibid 605.
[123] Interview 5: Judicial Officer, 389–392.
[124] Interview 4: Judicial Officer, 410.
[125] Interview 6: Judicial Officer, 127– 32 (emphasis added).
[126] Interview 6: Judicial Officer, 45
[127] Interview 6: Judicial Officer, 50
[128] Interview 6: Judicial Officer, 50 (emphasis in original).
[129] Interview 2: Judicial Administrator, 40

> And particularly you know somewhere like the Magistrates Court, their lists are massive and *you chuck one sovereign citizen into that list and suddenly it has blown out massively.*[130]

The impact of pseudolaw is not, however, limited to judicial officers and those who administer justice, but can also adversely impact other litigants. Participants recognised that, in addition to taking up registrar and court resources, adherents prolong litigation in ways that drastically increase the costs on the other side.[131] If the non-adherent is the applicant in an adversarial proceeding, they will be forced to have to deal with significant irrelevant information from the adherent. If the non-adherent is the respondent, they are dragged through a long, expensive process 'for nothing'.[132] One judicial officer highlighted this impact in the following terms:

> it's terrible, it's terrible on the Judge. It's terrible on the other side. *Because most of the litigants on the other side are represented and it costs them the most, an eye-watering amount of money to deal with this*.[133]

These costs are not only borne by other individuals but can put significant strains on other public institutions and bodies, including the police and the Crown Solicitor's Office ('CSO'). One judicial officer noted that if their decision is challenged through judicial review, the Crown will represent them which costs many thousands of dollars for the state to defend.[134]

It is clear that the impact of pseudolaw cannot be counted in the bare number of cases. Its cost is in time spent and opportunities lost. The experience of those at the front line of the administration of justice clarify that pseudolaw is becoming an overwhelming, and indeed transformative, burden on the good administration of justice. As one judicial officer observed:

> It uses up so much court resources because every time they want to file something they end up making the lives of the Registry staff miserable. They send [the] clerk, her email inbox or the Chambers inbox is full of emails from them. *They have changed the whole face of the civil justice system*.[135]

This impact is perhaps particularly odious because the use of pseudolaw comes with no discernible benefit to any of the parties involved.

b) Impact on Litigant

> ***And they might have, but for the sovereign citizen argument, they might have been able to negotiate some better outcome.***
>
> Judicial Officer[136]

Pseudolaw arguments do not work and attempts to utilise such arguments often leave the adherent in a worse position.

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[130] Interview 6: Judicial Officer, 458
[131] Interview 4: Judicial Officer, 433; Interview 6: Judicial Officer, 32
[132] Interview 6: Judicial Officer, 137.
[133] Interview 6: Judicial Officer, 33 (emphasis added).
[134] Interview 2: Judicial Administrator, 185.
[135] Interview 6: Judicial Officer, 36–37 (emphasis added).
[136] Interview 1: Judicial Officer, 507.

Participants, particularly in the lower court jurisdictions, reported that pseudolaw adversely impacts litigants who rely on such arguments and often leads to worse outcomes. This was particularly noted with respect to traffic offences. One magistrate noted that they 'quite often end up with a worse outcome than if they had just come to court'.[137] As an example, some will not drive with a license or registration. When they are inevitably ticketed, some will end up convicted and disqualified from driving. If they do not show up to court, ignore their disqualification and continue to drive, they will go to gaol the next time they are stopped.[138] Adherents' misguided beliefs make their situation worse than if they simply complied in the first place and then, did not ignore legal processes. This view is supported by the literature on pseudolaw.[139]

Participants also recognised that in many instances some legitimate concerns and arguments were masked by nonsensical pseudolegal arguments. As one judicial officer noted, engaging a judge in a debate about the coat of arms is, simply, a bad use of time.[140] Participants recognised that there were often occasions where the pseudolaw adherent has a legitimate complaint or there is some 'kernel of something in there that actually does need dealing with'.[141] Unfortunately, the deployment of pseudolegal arguments had the effect of restricting and limiting any attempt to extract that concern. One judicial officer addressed this in the following terms:

> I think, *generally, invariably, there is a genuine issue that the unrepresented litigant needs to try and oppose* and in setting up the array of arguments that the litigant does, most times, not always, *they are being genuinely put forward even though they are legal nonsense.*[142]

Where participants recognise that adherents have buried a real issue under pseudolaw, it can be extremely difficult to figure out what the problem is.[143] This, itself, is problematic if the adherent is vulnerable – for instance, a prisoner complaining about abuse by prison staff.[144] In this, and other ways (including exposure to greater costs and penalties), pseudolaw detrimentally impacts adherents.

c) Personal Impact on Judicial Officers/Administrators:

> ***When I said it was ruining my life, I was only half joking. I have had days recently when I have walked out of court at the end of the day and thought that's it, I'm done. Like, I mean forever, not just for today. It's that bad.***
>
> Judicial Officer[145]

The impact of pseudolaw is not just a systematic concern for the good administration of justice. For those participants dealing with a high frequency of pseudolaw matters, the growth of

[137] Ibid 529.
[138] Ibid 520 – 528.
[139] Hobbs, Young and McIntyre (n 6) 338–40.
[140] Interview 6: Judicial Officer, 323.
[141] Interview 4: Judicial Officer, 234.
[142] Interview 5: Judicial Officer, 173–176 (emphasis added).
[143] Interview 4: Judicial Officer, 235; Interview 5, Judicial Officer, 172–177.
[144] Interview 4: Judicial Officer,
[145] Interview 6: Judicial Officer, 27–29.

pseudolaw is having a significant detrimental impact on the health, well-being, and job satisfaction of judicial officers, administrators and staff.

Participants recognised that the scale of the issue was not always apparent to judicial officers and administrators who were not dealing with large volumes of self-represented litigants (and as a result pseudolaw litigants). One judicial officer noted those in their role were 'at the front-line in a way that a Justice, who is just hearing trials, is not. The Magistrates cop it big time.'[146] For those who are dealing with pseudolaw regularly, participants reported significant emotional distress both personally and expressed concerns for their staff. One judicial officer observed, of the impact it was having on workplace morale, that:

> They [pseudolaw litigants] take all the, fun is not the right word, but fun. *It's exhausting, it's like slamming your head in a door, trying to deal with these people.*[147]

There was concern that the intensity of the impact was placing such a burden on some staff that it was becoming a 'work health and safety issue'.[148]

Notably, participants who do not deal with pseudolaw regularly did not report pseudolaw as having a significant emotional effect. This tends to be in the higher courts. Equally, not all participants from lower courts expressed experiencing emotional distress, even when acknowledging that the increase in workload and nature of the work is draining. Given the small sample size of participants, it is not possible to distinguish whether this reflected gendered, status or individual/psychological experiences of the participants.

Most concerning in terms of the impact on individual judicial officers and administrators were the experiences of intimidation and the threat of violence used by some pseudolaw adherents. No participant reported actual physical violence, but there were numerous reports of threats and intimidation, which led to genuine concerns about their safety and well-being. One judicial officer illustrated the seriousness of the issue in the following terms:

> *I moved house at the beginning of 2023 and took myself off the electoral roll.* I *use a post office box because I mean I have had actual threats as well*. I have had another one *tell me that he knows where I live and that he knows who my family are*. And at that point we were about to move house and I thought right, that's it.[149]

A number of participants explained how a widely publicised police investigation into a prominent pseudolaw adherent that revealed a horde of illegal firearms forced them to reconsider their views of the phenomenon. This event crystalised the threat of violence that seems to underlie much pseudolaw and forced participants to reappraise their views. One judicial officer noted:

> until that, *really made a number of us pause* because for myself *I always thought he was misguided, harmless and at times a bit amusing*. He was sort of chap who would say hello to me … [but] *there's a derangement.*[150]

Another judicial officer noted the effect of that raid on their colleagues, and that following that event those colleagues had a different attitude. They noted:

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[146] Interview 6: Judicial Officer, 206–207
[147] Interview 6: Judicial Officer, 235–241 (emphasis added).
[148] Interview 2: Judicial Administrator, 394–395.
[149] Interview 6: Judicial Officer, 415–419 (emphasis added).
[150] Interview 5: Court of Appeal Judicial Officer, 310 (emphasis added).

> then the police raid his premises and find a cache of weapons. *Well, that's not funny. It stops being funny*.[151]

This threat of violence has, on occasion, become explicit and active in the form of threats made to judicial officers and administrators. Most of these threats are kept sufficiently vague as to intimidate without becoming criminally actionable, yet the perception of intimidation is felt. While these matters are referred to South Australia Police ('SAPOL'), the police are limited in what they can do. As one judicial administrator observed:

> *We have had SAPOL involved in a number of these. We've had threats and we refer them on to SAPOL. We've had email threats, in writing*. Yet again, the structure of the threats are that they keep them, it's like they know what they are doing, they're vague enough that, they are not making a direct threat. "I'm going to kill this Magistrate", for example, they don't do that. …*but SAPOL has viewed them and because he has not made a direct threat, they can't do anything*.[152]

For instance, one adherent continuously sends emails that he is declaring war, considers himself a 'combatant', will take action to defend himself, and is not responsible for any 'deaths or injuries he may cause'.[153] However, these actions – while concerning – are not sufficient for the police to take further actions. Other judicial administrators are similarly reporting incidents to SAPOL for intelligence-gathering purposes, noting that experiences interstate (particularly NSW) have made them more aware of the potential for violence underlying this phenomenon.[154]

The threat of violence and the deliberate use of physical intimidation was not just restricted to written communications. It also arose in courtroom behaviour. Participants noted that pseudolaw litigants had been known to become threatening in hearings and required active intervention from Sheriff's Officers.[155] One judicial administrator observed:

> We're very mindful. *We do not underestimate these folks*. We've seen them go from coming in and being compliant and chatty then when confronted with reality that doesn't match their own*, they go from zero to quite aggressive very quickly*. *Their world comes crashing down and they can't handle it and they just go "boom". They get angry really quick*.[156]

One particularly noteworthy example of how pseudolaw adherents can become physically intimidating was discussed at some length by one judicial officer. That event had involved a large number of adherents in court, who engaged in a day-long act of intimidation that attracted front page media coverage. The judicial officer involved in this incident described how the 45 adherents were in the courtroom, 'stood up in a concerted movement in a sort of choreographed movement and started walking toward the bench'.[157] They were filming inside the courtroom and, after the hearing, hung around outside to film too. This threatening behaviour continued throughout the day and extended to other court staff. As the judicial officer observed:

> So, *then they hung around outside the front door, there is also a side entrance, they hung around that. My clerk and I did not leave the building for the rest of the day*, but come 5:30

[151] Interview 6: Judicial Officer, 570 (emphasis added).
[152] Interview 3: Judicial Administrator, 345–358 (emphasis added).
[153] Interview 3: Judicial Administrator, 350–353.
[154] Interview 2: Judicial Administrator, 328.
[155] Interview 4: Judicial Officer, 503–505.
[156] Interview 3: Judicial Administrator, 369–373 (emphasis added).
[157] Interview 6: Judicial Officer, 218.

> she is going home. It's alright for me, I drive and go out the secure door. *But she gets the tram and they are there and they are filming, that's [Judicial Officer's] associate, she's corrupt, she's dishonest. So she went back inside and the Sheriff's Officers walked her over, we notified the police*. I don't know whether they did anything.[158]

The anger of the judicial officer regarding this incident was palpable, as was the frustration with colleagues who continued to view pseudolaw as a harmless matter. That judicial officer observed:

> … I was on the front page of the Advertiser for necromancy and witchcraft, they all thought it was hilarious and it actually wasn't hilarious … *it was not hilarious, it was extremely threatening*.[159]

Another anecdote was shared about another group of adherents who surrounded a judge after a hearing, which they found 'unsettling'.[160] It was noted that while judges trust the element of security is provided, Sheriffs are typically not provided in civil matters where many of these issues occur.[161]

These limits on the availability of Sherriff's Officers as a result of limited resources highlight that responses to the threat and intimidation of pseudolaw adherents are constrained by systemic and structural issues. For example, the design of courtrooms – using different levels and rich in symbolism and ritual – may have an impact on the experience of intimidation. One judicial officer observed:

> I think it is *probably worse in the Magistrates Court than it is in the civil courts here, simply just the architecture of the Court. They are all on one level*, *whereas here, you are sitting up*. I think it is actually more intimidating for the staff than it is for the judicial officers. So, my associate and my judicial assistant.[162]

Other participants noted that while there was often adequate security in the court buildings, the design and operation of the court district required judicial officers and administrators to spend time in unsecured areas. This was seen to create a genuine security issue:

> Yes, and also, *they potentially as they escalate, I'm concerned about work health and safety issues that staff are having to receive these and deal with them*. … Our buildings, obviously we have security, but it's quite easy to work out where we all walk out at the end of the day, and particularly the Sir Samuel way, the staff are going between the Supreme Court and Sir Samuel Way, Judges are as well. *So, yeah, I think there's real concern, about sovereign citizens but also just generally our security*.[163]

Another judicial administrator noted that differences between regional courts were creating a real concern, as those regional courts often had limited security and little to no capacity to deal with significant escalations. That judicial administrator noted:

> there's quite a lot of sovereign citizens in Adelaide hills. That's a concern for us because, you know, we are *hearing more and more from other states that they are becoming violent.*

[158] Ibid 403–408 (emphasis added).
[159] Ibid (emphasis added).
[160] Interview 5: Judicial Officer, 85.
[161] Interview 4: Judicial Officer, 503–505.
[162] Interview 4: Judicial Officer, 509–511 (emphasis added).
[163] Interview 2: Judicial Administrator, 387–397 (emphasis added).

> *And our facilities at Mount Barker, for example, are less than ideal. It starts to become also a security risk.*[164]

Judicial administrators have now begun to list certain matters in Adelaide because of these concerns, where there are better security resources.[165] However, there are costs involved in such responses and this approach undermines the benefit of 'local justice' served by regional courts.

Finally, it is worth noting that not all participants reported threats of violence and intimidation. For example, one judicial officer reported that they have not felt physically intimidated or unsafe, speculating that they become 'animated' but are not 'particularly aggressive people by nature'.[166] Again, given the small sample size it is not possible to distinguish whether this reflects gender, status or individual/psychological experiences of the participants. What is clear, though, is that the majority of participants were highly alert to the potential for violence that seems to permeate the pseudolaw phenomenon.

d) Impact on Society

> ***And there is a safety issue but then there's the issue of I guess broader public disruption of services and that sort of thing. The people who refuse to pay their council rates and their EWS levy[167] and their emergency services levy and all the rest of it does actually have an impact on the rest of the community because our council rates and all of that goes to actually enforcement against these people and filling the gaps that are made when these people don't pay. It does have a broader effect.***
>
> Judicial Officer[168]

Finally, a number of participants articulated concerns about the detrimental impacts upon aspects of society more generally, including upon police, public health and local governments. Participants see these beliefs as leading to a 'broader public disruption of services',[169] as public administrators are forced to devote significant additional resources to deal with pseudolaw adherents in various capacities. For example, participants highlighted that when adherents believe statutes are illegitimate and refuse to pay taxes, levies and rates, it requires resources to enforce compliance, which leads to shortfalls in public income.[170] Another judicial administrator noted the impact extended beyond public institutions, noting the impact on banks:

> just anything to do with government, regulation, they are railing against. *People don't pay your council rates, council rates are illegal. Mortgages are illegal, you shouldn't pay your mortgage.* We got a few of those at the moment. I've got one guy who hasn't paid his mortgage in 8 months because he's decided paying his mortgage is illegal.[171]

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[164] Ibid 235.
[165] Interview 3: Judicial Administrator, 169–171.
[166] Interview 1: Judicial Officer, 230.
[167] This is a reference to the *Emergency Services Levy*
[168] Interview 6: Judicial Officer, 575.
[169] Ibid, 570.
[170] Ibid, 583.
[171] Interview 3: Judicial Administrator, 621–625 (emphasis added).

Overall, it is notable that delay and frustration are incredibly taxing on individuals and are slowing down the broader legal system. As an example of how this operates, a few people who do not want to pay council rates or their emergency services levy can hold out, delay, and frustrate enforcement so much so that Councils 'probably spend twice' as much money as they recover, which increases costs for everyone.[172] Another issue is that the adherents' beliefs lead them to initiate litigation against a wide range of defendants, imposing significant costs on those third parties.

Even the impact on the administration of justice can bleed into other agencies. For example, one participant noted that pseudolaw litigants were requiring the police to devote resources to deal with voluminous subpoenas and other requests for documents, as well as providing additional witnesses in prosecutions. As one judicial officer observed:

> But there was a lot of them, and they were *subpoenaing a lot of documents from the police* that loosely had some relevance to the case but were *taking a lot of time. Particularly of the police* and they were fairly annoying for us.[173]

One judicial officer noted that they have upcoming proceedings with a couple who have 'got a grievance and having spoken to them, they are very angry, very cross with the state government they have sued half a dozen agencies for damages.'[174]

While the interviews were focused on the direct experience of participants, a number of participants noted that their experience of pseudolaw was likely the tip of the iceberg, as noted in the following exchange:

> **Interviewer:** It touches on the fact that it is not just the courts that it is affecting, it gets its tentacles out into a bunch of government agencies.
>
> **Judicial Officer:** I mean I suspect the vast majority of those other recipients just hit the delete button. *I do suspect a lot of these people would be waging some sort of campaign with their local MP. I don't think I'm not that special*.[175]

Such concerns speak to the fact that appropriate responses to pseudolaw need to ensure that this is seen as a wider social problem. It is not confined to the administration of justice.

D. The Responses to Pseudolaw

The fourth theme in the analysis sought to understand the ways in which judges and judicial administrators are developing responses to undercut the impacts of pseudolaw. Indicative prompts used in the interviews included questions such as:

- Are there specific measures and responses that may be deployed in specific proceedings, or judicial administration, when it becomes apparent that there may be pseudolaw argumentation deployed and/or adherents present?
    - What special measures mechanisms are available to you?
    - How are these cases managed?

[172] Interview 6: Judicial Officer, 585 – 590.
[173] Interview 1: Judicial Officer, 105 (emphasis added).
[174] Interview 4: Judicial Officer, 140.
[175] Interview 6: Judicial Officer, 300 (emphasis added).

- Are there systemic and structural responses that have been adopted to deal with the issue of pseudolaw as a more general phenomenon?
- Is there a need for additional regulation or structural response to allow earlier interventions to ameliorate the impacts of pseudolaw? What forms may these take?

The purpose of these questions was to explore how individual judicial officers and administrators, as well as the institutions themselves, may better respond to the challenges and impact of pseudolaw.

i. Key Findings Regarding Responses to Pseudolaw

The following section sets out the key findings on potential *Responses to Pseudolaw*. Again, this analysis is not divided into parts, and instead directly looks at the various sub-themes.

Table 22: Responses to Pseudolaw

	Themes	Key Finding	Illustration
22	**Potential Responses of Individual Judicial Officers**		
22.1	**Engaging may not be productive, but helpful to understand the 'real' issue**	Some judges, particularly in the higher courts, find it helpful to discover the genuine or 'real' legal issue to respond effectively to pseudolaw.	***Interview 5: Judicial Officer, 170 – 171.***
22.2	**Shut them down – using summary offences act or stating clear authority**	Some judges, particularly in the lower courts, respond to pseudolaw adherents by halting their arguments and relying on authorities (legislation or case law).	***Interview 1: Judicial Officers, 158 – 161.***
22.3	**Let them talk and point out inconsistencies, or stop when disruptive/aggressive**	Some judges respond to pseudolaw adherents by allowing them to put forward their argument but adjourn the court when litigants become aggressive or disruptive.	***Interview 3: Sheriff's Office, 712 – 714; Interview 6: Judicial Officer, 478 – 480.***
22.4	**Use inherent powers of the court more**	Some court staff and judicial officers think that the inherent powers of the court ought to be employed more often to respond effectively to pseudolaw.	***Interview 5: Judicial Officer, 344 – 350.***
23	**Need for Further Systemic Responses**		
23.1	**Need a systemic response**	Some court staff wish for responses to pseudolaw to be implemented systemically as opposed to individually.	***Interview 6: Judicial Officer, 555 – 557.***
23.2	**Responses have been slow to develop**	The responses to pseudolaw in South Australia have been slow to develop.	***Interview 2: Judicial Administrator, 283 – 285.***
24	**Potential Responses at the Institutional Level**		
24.1	**Restrictions at the Registry level**	The registry responds to pseudolaw by restricting how litigants can correspond with the registry.	***Interview 2: Judicial Administrator, 109 – 114.***
22.5	**Treat like vexatious litigants**	Some court staff and judicial officers think that pseudolaw adherents ought to be treated in a similar way to vexatious litigants.	***Interview 2: Judicial Administrator, 201 – 204.***
24.2	**Role of Sheriff's Officers**	Sheriff's Officers play an important role in responding to pseudolaw due to their presence in court and warning staff about certain litigants before proceedings.	***Interview 1: Judicial Officers, 215 – 216.***
24.3	**Register of Sovereign Citizens**	The Sheriff's Office implemented a registry in response to pseudolaw.	***Interview 3: Sheriff's Office, 199 – 202.***
24.4	**Move cases to different places**	Cases concerning known pseudolaw adherents in regional courts are sometimes moved to the CBD in response to lower staff numbers in regional courts.	***Interview 3: Sheriff's Office, 383 – 386.***
24.5	**Role of education**	Educating the judiciary and court staff is important to improving the responses to pseudolaw.	***Interview 2: Judicial Administrator, 481 – 482; Interview 6: Judicial Officer, 229 – 233.***
25	**Broader Social Reforms**		

25.1	**Better engagement with police**	Court staff, particularly registry and sheriff's officers, respond to pseudolaw by informing SAPOL.	***Interview 2: Judicial Administrator, 118 – 121.***
25.2	**Psychology Support**	The psychology of pseudolaw adherents should be considered when implementing responses.	***Interview 4: Judicial Officer, 594 – 597.***
25.3	**Legal aid may not help**	Some judicial staff argue that improvements to legal aid will not assist in responding to pseudolaw.	***Interview 5: Judicial Officer,232 – 236.***

The interviews highlighted four broad sub-themes regarding the manifestation of pseudolaw. The key findings for each sub-theme can be summarised as follows:

1. **Potential Responses of Individual Judicial Officers:** There were a range of opinions offered by participants as to the best way for individual judicial officers to deal with pseudolaw litigants, ranging from giving them space without engaging, to relying on authorities, and ultimately more assertively using inherent and statutory powers.
2. **Need for Further Systemic Responses:** A common response, however, was that this phenomenon has now reached a scale and frequency such that individual responses are no longer adequate, and more active institutional responses are needed.
3. **Potential Responses at Institutional Level:** Several options were discussed with participants on potential institutional responses, some of which were directed to the administration of courts, and others to the support of staff and officers within the judicial system.
4. **Broader Social Reforms:** Given that pseudolaw appears to have arisen in response to a range of social pressures and circumstances, it is not surprising that some participants highlighted the need for responses that extend beyond the operation of the judicial system. Some of these options were explored with participants.

Further exposition of these sub-themes, with relevant illustrations and quotations, are outlined in Appendix 1.

ii. Discussion Regarding Responses to Pseudolaw

Pseudolaw has now reached the point where it should be seen as a distinct social phenomenon impacting the administration of justice, and indeed on society more generally. It thus becomes necessary to reflect upon how to respond to the phenomenon. The final theme seeks to understand how judges and judicial administrators are developing systematic responses to ameliorate any potential impacts of pseudolaw.

The question of how best to respond to pseudolaw, given the persistence and growth of the phenomenon, has attracted a range of academic reflections.[176] These responses include suggestions about how individual judges may respond to the phenomenon,[177] how the courts as institutions may respond,[178] how the legal profession itself may respond,[179] and how a broader social response may be necessitated.[180]

The benefit of looking at the broader social context in which pseudolaw occurs is that it helps highlights possible society-wide responses. Ultimately, pseudolaw flourishes where there is a

[176] See, for e.g., Hobbs, Young and McIntyre (n 6) 336-340.
[177] Ibid 337.
[178] Ibid 338.
[179] Ibid 339.
[180] Ibid 339.

lack of meaningful public engagement and understanding of the law and the judicial system. Pseudolaw is, in many regards, a symptom of alienation from the legal system. This report supports a societal approach. If pseudolaw is to be properly addressed, and its impacts meaningfully reduced, then this underlying issue of alienation must be addressed.

One aspect of this alienation is the lack of broad 'legal literacy' amongst the Australian population (that is a lack of the capacity to understand and properly engage with the legal system). The link between the lack of legal literacy and the rise of pseudolaw is clear. As McIntyre and Charles observe, pseudolaw 'can only flourish where there is a lack of sufficient legal literacy,'[181] as the 'alienation of citizens from legal discourse that comes with a failure of legal literacy can radicalise individuals, and lead to conspiratorial and pseudolegal thinking.'[182] Similarly, As Hobbs, Young and McIntyre argue:

> 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.[183]

Writing the context of the recent failed referendum, Professor Anne Twomey, in her submission to a recent Inquiry of *Joint Standing Committee on Electoral Matters* (the '*Inquiry into civics education, engagement, and participation in Australia*'), made the following observations:

> As a constitutional expert, I receive a lot of communications from people alleging all kinds of constitutional conspiracies and legal 'errors' (usually relating to seals, oaths, appointments, corporations, currency or treaties), which magically cause all law to be invalid in Australia and all courts to have no authority. I also receive many requests from fact-checkers to explain why these conspiracy theories are wrong.
>
> *The problem is that by the time I try to explain the misconceptions or falsities that are at the root of their arguments, the people making them are so far down the rabbit-hole and so committed to this fantasy world, that they cannot be brought back to reality.* The only way that this can be headed off is for Australians, when they are young, to be given a sound understanding of the basics of the system of governance and law, so that they can easily recognise and dismiss pseudo-legal nonsense when they see it. Essentially, we need to be inoculating people by giving them knowledge and the skills to engage in logical reasoning, so they can make a rational assessment of the vast array of material that they are now exposed to on the internet, and discern what is authoritative and sensible as opposed to what is false and manipulative and derived from dubious sources.[184]

This plea for a genuine commitment to empower people to meaningfully understand and engage with the legal system reflects the core ambition of drives to enhance legal literacy. As Zariki argues, in explaining the significance of the nomenclature of 'legal literacy', to become a member of a language community:

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[181] Joe McIntyre and Jacqueline Charles, Submission No 92 to Joint Standing Committee on Electoral Matters, 'Inquiry into Civics Education, Engagement, and Participation in Australia' (29 May 2024) https://www.aph.gov.au/DocumentStore.ashx?id=f9a94afb-295f-49b1-9731-f64194efddea&subId=758267 39.

[182] Ibid.

[183] Harry Hobbs, Stephen Young and Joe McIntyre, 'The Internationalisation of Pseudolaw: The Growth of Sovereign Citizen Arguments in Australia and Aotearoa New Zealand' (2024) 47(1) *University of New South Wales Law Journal* 309, 342.

[184] Anne Twomey, Submission No 31 to Joint Standing Committee on Electoral Matters, Inquiry into Civics Education, Engagement and Participation in Australia (21 May 2024) 3 (emphasis added)., https://www.aph.gov.au/DocumentStore.ashx?id=d45f69b4-6372-4217-a5c3-c5d8a4986132&subId=757140 p3

> … is to accept many rules and conventions about how to communicate, but it also entails the ability to challenge those constraints in a way that will be understood and perhaps accepted by other members. So it is with law. *Becoming legally literate is gaining full membership in a community that shares a legal system. Such membership comes not only with many constraints but also many opportunities for action and change.*[185]

This yearning to meaningfully engage with the legal system, and have genuine opportunities for action and change, underpins much of the appeal of pseudolaw. Yet as the interviews discussed in this Part highlight, the use of pseudolaw as a means of countering this alienation is a false hope, leaving the adherent worse off.

This section explores the views of participants about how judges, and the judicial system more broadly, can adopt responses to mitigate and address the impacts created by pseudolaw. However, there is also a recognition that the core phenomenon itself is larger and more complex than its direct impact on the judicial system, thus requiring responses of a broader societal nature. The information gathered shows that participants are adopting a range of techniques to deal with specific individual iterations of pseudolaw, but that there is an awareness of the need for more information sharing, learning, and systemic responses to categorise and pre-empt potential issues.

a) Potential Responses of Individual Judicial Officers

> ***Trying to engage is a fairly unproductive exercise, trying to engage at all. Because they will always have an answer that doesn't necessarily equate to the question. Yeah, well that's right. You're not going to convince them. It doesn't matter what you say you're not going to convince them.***
>
> Judicial Officer[186]

The main concern among participants was that there had not been an 'advanced or sophisticated' response to the rise of pseudolaw.[187] The rapid rise of pseudolaw caught stakeholders 'off guard',[188] because it was 'so foreign to us here in Australia'.[189] Following the initial rise of pseudolaw, 'everybody has learned how to deal with pseudolaw, but everybody deals with it slightly different'.[190] Participants disclosed that they relied upon a range of different techniques depending on how they viewed the 'type' of pseudolaw litigant before them. All participants recognised the challenge of engaging with pseudolaw, and that often attempts to engage in reasoned dialogue or argumentation could prove unproductive due to the adherence to preconceived beliefs.

Despite challenges, all judicial officers indicated a genuine interest in understanding the underlying issues beneath pseudolaw arguments, and a desire to uncover any legitimate concerns or grievances buried within the pseudolaw rhetoric. It was commonly observed, however, that the process of engaging adherents to understand if there is a real legal issue in the matter could be exhausting and time-consuming. One judicial officer believed 'the more

[185] Archie Zariki, '*Legal Literacy: An Introduction to Legal Studies'* (Athabasca University, 2014) 22.
[186] Interview 1: Judicial Officer, 263–266.
[187] Interview 2: Judicial Administrator, 283.
[188] Ibid 284.
[189] Interview 3: Judicial Administrator, 534.
[190] Interview 4: Judicial Officer, 476.

interested you are in trying to get to the bottom of what is going is, the better the hearing is.'[191] Another judicial officer noted that, particularly for 'genuine but confused' type of self-represented litigant, there was a receptiveness to genuine engagement:

> *And then you start talking to them and they are open to reason, and they are prepared to consider alternatives* which I think they are. I arrange for someone to give them some pro bono assistance to perhaps narrow the issues down. What I'm hoping to do is suggest that mediation might be a good option …*So, I try, my general approach is to try and find out if there is something at the bottom of all of this. If there is, try and assist them to present that as best they can*.[192]

There was shared sentiment about the need for caution when handling pseudolaw cases. Judges should avoid being drawn into arguments or debates that may derail proceedings. Other judicial officers were sceptical of the benefits of engaging in the substantive arguments, noting that anything said to them about the merits of pseudolaw is 'not going to convince them'.[193]

The view that attempting to engage with pseudolaw adherents is generally unproductive and unlikely to change their views appears more relevant to the 'true believer' type of litigant. In those cases, the adherent's motivation is making the argument, rather than solving some underlying issue. When dealing with this type of litigant, judicial officers deployed a range of techniques from studied non-engagement to quickly shutting down the submissions. Regarding the former approach, one judicial officer equated the dynamic to dealing with children:

> I think there's very little that an individual can do in one courtroom. I mean there are other little things like, *it's a bit like dealing with toddlers*, choose what you want to argue about, don't argue about the name it's pointless. They want to make, like, you know, "okay now it's your turn to make submissions" and *they are going on for an hour about completely irrelevant stuff*. You *just let them go because if you try and stop them, you suddenly get all this other stuff, so you just wait for them to run out, you wind them up and they eventually run down and then you go thank you very much, any reply*.[194]

A contrasting technique that was preferred by some judicial officers was to respond to pseudolaw adherents by halting their arguments and relying on authorities (legislation or case law).

> He launched straight off into, I can't think of the exact words that he was using, but effectively that the law that was trying to be applied, that there was a speeding offence didn't apply to him. That I had no jurisdiction to hear the matter. *And I frankly didn't let him go terribly much further than that because I interrupted him at that stage and said Mr so and so I am familiar with the issues that you're about to raise. They've been considered by the courts in SA and elsewhere. They're not part of the law, that doesn't give you a defence and so I didn''t really let him say terribly much*.[195]

This judicial officer did note, however, that this approach of quickly and summarily rejecting their arguments often leads to hostility. When asked what the reaction to the approach above usually is, they replied:

> *Hostility quite often. A level of hostility*. I mean the other approach I've taken, it depends how I'm feeling on the day, and how busy I am is, if you want to reduce the hostility, you

[191] Interview 5: Judicial Officer, 170–171.
[192] Interview 4: Judicial Officer, 148-151; 387–389 (emphasis added).
[193] Interview 1: Judicial Officer, 266.
[194] Interview 6: Judicial Officer, 478–480 (emphasis added).
[195] Interview 1: Judicial Officer, 158–161 (emphasis added).

> probably let them go on a bit longer than that, and sort of articulate it, and let them down a bit before gently.[196]

This suggests that judicial officers are highly conscious of managing the potential for hostility and conflict in their courtroom and are balancing that concern against other competing interests including their emotional/cognitive capacity, timelines and other workload issues.

On the issue of hostility and disruption, several participants noted that they have used procedural responses – such as adjourning hearings – when adherents become 'disruptive or aggressive'.[197] Given the inherent performativity of pseudolaw litigation for the true believers, this approach of adjourning the matter was seen to be very effective in de-escalating the situations:

> If they get really uppity and disruptive and all the rest of it, *you just adjourn because again if there is no-one there to perform to they stop, it's amazing how quickly, they go from outraged to just another day of the office*.[198]

One judicial administrator believed that, overall, judicial officers were very generous and restrained in dealing with pseudolaw litigants and approached the hearings with a genuine commitment to giving them a fair opportunity to present their case, resorting to tools like adjournment only when matters became disruptive:

> … So all the Magistrates and Judges that I've seen will give those folks the ability to put forward their argument, no-one is just randomly done for contempt, everyone is given fair treatment from what I have seen. So*, these folks are given ample opportunity to cease their nonsense and start following the protocols that are required*. It's just when it gets to a point that the behaviour is escalating to a point *where it is becoming disruptive or aggressive and that's when the Magistrate will go "that's enough, I'm adjourning your matter off, get out"*.[199]

Overall, participants were alert to a range of different techniques that could be used to deal with individual pseudolaw litigants and were comfortable in deploying tailored responses depending upon the type of litigant and their behaviour in court.

b) Need for Further Systemic Responses

> ***I think it is very hard for an individual judge to do anything particularly effective. It's got to be the whole system taking that approach***
>
> Judicial Officer[200]

However, a common response was that this phenomenon has now reached a scale and frequency such that individual responses are no longer adequate, and more active institutional responses are needed.

[196] Interview 1: Judicial Officer, 163 (emphasis added).
[197] Interview 3: Judicial Administrator, 717.
[198] Interview 6: Judicial Officer, 485–487 (emphasis added).
[199] Interview 3: Judicial Administrator, 712–713 (emphasis added).
[200] Interview 6: Judicial Officer, 555–557.

All participants acknowledged that pseudolaw is posing systemic level challenges to the good administration of justice, and that current processes and procedures may not adequately address all pseudolaw issues. Some participants, particularly in the lower court jurisdictions, placed more emphasis on appellate courts empowering individual judges dealing with pseudolaw more regularly. This contrasted with other participants who emphasised the need for systemic changes across the legal system.

Overall, though, there was a shared recognition that the judicial institutions of this state had been caught flat-footed and that system-wide responses to pseudolaw in South Australia have been slow to develop. For example, one judicial administrator observed:

> *we are not advanced or sophisticated in that. It's again I think it's probably the sort of increase, that has caught us off guard*. As I said, we knew of the handful of people, you can say names and every Wednesday. But now…: [201]

Another judicial administrator echoed this view, stating:

> *I think this has evolved so rapidly and it has been something that's been so foreign to us here in Australia. I think, certainly in the early days, was just reaction, reaction, reaction*.[202]

While that administrator had been able to implement some changes in response to the problem, this was still largely *ad hoc* and not systematic. The scale of the problem, and the inadequacy of individual-level responses, was a clear theme that threaded through all interviews.

At least one participant noted that the lack of visibility of the scale and impact of pseudolaw was a problem and was undermining efforts to adopt more systematic approaches. In particular, the profound impact that pseudolaw is having on high-volume parts of the judicial system was not always appreciated by those further up the judicial hierarchy. As one judicial officer noted:

> I tried to get a working group together in the courts in Adelaide, so District, Magistrate and Supreme to come up with some agreed strategies in dealing with these people. And, of course, because you know it is such a hierarchical thing, it had to be chaired by a Supreme Court Judge and the Judge was not interested because *it was not their problem*. *So it went nowhere*.[203]

This issue of effective invisibility was an issue that was apparent in the database analysis in Part III of this Report, where the sheer scale of the phenomenon, and the disproportionate impact on workloads, was hidden below relatively low numbers of reported cases.

c) Potential Responses at Institutional Level

> ***I think we just need to be a bit more robust about the inherent power and the avenues available to the Court to be able to deal with these cases, including triaging them earlier when they are likely to be without merit and try and deal with them efficiently.***
> Judicial Officer[204]

[201] Interview 2: Judicial Administrator, 283–285 (emphasis added).
[202] Interview 3: Judicial Administrator, 533 – 536 (emphasis added).
[203] Interview 6: Judicial Officer, 229–233 (emphasis added).
[204] Interview 5: Judicial Officer, 344–350.

A number of options were discussed with participants on potential institutional responses, some of which were directed to the administration of courts, and others to the support of staff and officers within the judicial system.

Some support was expressed for the idea of developing special procedures regarding the filing and management of pseudolaw cases. It was noted that South Australia does not have a 'Master Order', like the Court of King's Bench of Alberta, that allows the registrar to reject emails or filings with pseudolaw filigree. One judicial officer thought it might be time to adopt something like that,[205] though they acknowledged this may only make things worse:

> The other thing is, *if the document is not accepted then they will start fighting the registry*. That's a whole new avenue for them so for documents rejected because it does not comply with the rules or whatever then *that is a whole new area to get aggrieved about*.[206]

Other participants thought that inherent powers of the court ought to be employed more often to respond effectively to pseudolaw, adopting a 'more robust [approach to] the inherent power and the avenues available to the Court'.[207] This would involve identifying and 'triaging' pseudolaw cases earlier by efficiently picking them out of the call-over list, setting them soon after the call-over (if not at the call-over), and then arguing the case and dealing with it on *ex tempore* reasons.[208]

The impact of systems design on pseudolaw behaviour was discussed by one judicial administrator regarding current practices for the electronic filing of documents. They noted that most of the forms are online and are smart forms, requiring individuals to 'complete the right box and fill in drop down' information.[209] In effect, there is less opportunity for adherents to include obvious pseudolegal non-standard information (thumb prints, signatures followed by 'without prejudice', 'four corners' outlines on the page, and so on). However, this leads to an increase in attempts to communicate in non-standard ways, like using personal email addresses.[210] This has led to the development of *ad hoc* techniques like the adoption of a 'no-email' communication policy with some litigants to restrict how they can correspond with registry:

> I've taken the position, with a couple of people, that I've written to them and said we will be receiving your emails, we will not be responding, you're asking the same things over and over again, you're including people that are not party to this matter like the Premier and High Court, and that if this continues, this level of threats and abuse, *we will restrict your ability to only correspond with us through Australia Post. Because it's a lot harder to go to a mailbox than it is to press send*.[211]

Many participants recognised that the Sheriff's Officers play an important role in responding to pseudolaw, both in ensuring court security but also in informing staff about certain litigants before proceedings commence. As one judicial officer observed, the Sheriff's Officers 'are pretty good' as they 'share stuff and will warn you about what's about to come.'[212] It appears

[205] Interviewee 4: Judicial Officer, 610.
[206] Ibid 494–496 (emphasis added).
[207] Interview 5: Judicial Officer, 344–345.
[208] Interview 5: Judicial Officer, 344–350.
[209] Interview 2: Judicial Administrator, 464.
[210] Ibid 464.
[211] Interview 2: Judicial Administrator, 109–114 (emphasis added).
[212] Interview 1: Judicial Officer, 215–216.

the Sheriff's Office has been the most proactive in developing systemic responses to pseudolaw, including the development of an *ad hoc* registry to track pseudolaw litigants. That registry aims to identify litigants who display 'problematic' and 'repeated behaviour whenever they come to court', and then track when they come to court and cause issues.[213] The opinion was offered that this has been quite effective:

> And then, after a few months of this, I had enough, we've got to get ahead of this. So that's when *we started doing the register, of who was who and the behaviours associated with them, and who comes with them, the followers, and who behaves in a certain way and then we could prepare for them*. Once we are able to be prepared for that, they certainly realised that *coming to court was not going to be as fun as it was in the early days for them anymore because we were ready for them*.[214]

That registry has become a critical tool in tracking potentially disruptive litigants, communicating with judicial officers about those litigants, and generally allowing greater preparation to diffuse and defang potential confrontations. For example, when it is known that a threatening individual is scheduled to appear in court, the Sheriff's Office will be on notice and consider having additional sheriffs in the courtroom.[215] This registry has also allowed the Sheriff's Office to prepare for when adherents may arrive in court with a large group of supporters. Given the limited resources available to the Sherriff's Office, this has, on occasion, required that matters be transferred from regional courts to the city to allow appropriate support and security. As one judicial administrator noted:

> There was one gentleman who used to roll up and have 15 to 20 followers every date at Mount Barker Court. There were 2 sheriff's officers, so they just get overrun. *His matters were transferred here to the city. He was not happy about that*.[216]

More broadly, educating both the judicial officers and judicial administrators was seen as an important part of improving the responses to pseudolaw. One judicial administrator highlighted the need for greater education of staff about pseudolaw to share information and improve responses to the phenomenon, noting 'we are looking at sort of some education and awareness for our registrars to have better strategies to deal with them.'[217]

Generally, it was noted that while there is increasing knowledge about the phenomenon and its impact on the system at the level of individual judicial officers and administrators, there are no solid mechanisms in place for sharing information.[218] For example, while the Sheriff's Office has a list of problematic pseudolaw litigants, there is no database or system for sharing information among potentially impacted persons. Some participants have found communications with SAPOL useful because they have a fixated person unit that has taken adherents seriously since the events in Queensland.[219] However, there was a consensus that there has been a siloing of information about the scale and nature of the problem, and effective responses to it, largely driven by a lack of resources to develop such responses. One judicial administrator observed:

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[213] Interview 3: Judicial Administrator, 199–202.
[214] Interview 3: Judicial Administrator,535–540 (emphasis added).
[215] Interview 1: Judicial Officer; Ibid, 385.
[216] Interview 3: Judicial Administrator, 383–386 (emphasis added).
[217] Interview 2: Judicial Administrator, 481–482.
[218] Interview 3: Judicial Administrator, 573.
[219] Ibid.

> It's reached a point here where we've all experienced such a tidal wave of it in the last three years that *there would be value in sharing those experiences and strategies in managing these individuals*.[220]

A number of participants thought that it may be appropriate to develop a process that treats pseudolaw adherents in a manner similar to vexatious litigants. One judicial administrator floated the idea of having a register for sovereign citizens:

> We have vexatious litigant register where people that are being determined as being vexatious and can't lodge civil claims without leave of the court and I think we possibly need to look at implementing something similar for sovereign citizens.[221]

Similarly, a judge noted that a system for 'flagging' and 'assessing' those that are using pseudolaw to help determine whether they are a pseudolaw idealogue or are using pseudolaw because they found it online and have a real legal issue.[222] Identifying the 'really intractable ones' earlier would help streamline the processes.[223] It was noted by one judicial officer that many pseudolaw litigants do not fit neatly into the existing vexatious litigant regime, which relies as a starting point on identifying litigants appearing as parties in multiple actions in South Australian tribunals. As such that regime is poorly adapted to dealing with litigants who have been disruptive in other jurisdictions, or who may be involved in a capacity other than as a party.[224] It was suggested that this may require legislative responses to develop an approach more carefully tailored to the challenges created by pseudolaw.

Finally, some participants noted that there were opportunities for greater support and guidance to be provided by appellate courts to judicial officers lower in the judicial hierarchy. For example, it was noted that a judge cannot simply write 'this claim is gobbledygook, application dismissed', because failing to write a detailed opinion could be overturned on appeal.[225] They proposed that the appellate judges provide some guidance or templates to allow a more streamlined and efficient means of dealing with pseudolaw arguments without requiring fulsome and extensive judgments.[226]

d) Broader Social Reforms

> ***I think if we had more legal education in schools and people had a better understanding of the system and the law, it would be good. It would hopefully help those people who are just doing their best.***
>
> Judicial Officer[227]

Given that pseudolaw appears to have arisen in response to a range of social pressures and circumstances, it is not surprising that some participants believe there is a need for responses that extended beyond simply the operation of the judicial system. Some of these options were explored with participants.

[220] Ibid 573–575 (emphasis added).
[221] Interview 2: Judicial Administrator, 201–204.
[222] Interview 4: Judicial Officer, 574.
[223] Ibid.
[224] Interview 5: Judicial Officer, 464–465.
[225] Interview 6: Judicial Officer, 239.
[226] Ibid 240.
[227] Interview 4: Judicial Officer, 668–670.

Several participants noted the increasingly important role SAPOL is performing in dealing with the pseudolaw phenomenon. These participants are taking guidance from SAPOL on how to deal with potentially threatening adherents, and in turn, are sharing information with SAPOL to assist their intelligence building.[228] One judicial administrator has engaged SAPOL to provide training to staff on strategies for dealing with sovereign citizens. However, it is notable that relying on SAPOL to deal with pseudolaw adherents particularly during litigation highlights the increased burden and demand for resources.

One participant suggested that consideration ought to be given to developing psychological support for pseudolaw adherents as part of the broader suite of responses to the phenomenon. They did, however, note the significant difficulties in designing such a system:

> *I don't know how you would frame that because these people like to be victims* and they like to see themselves as victims of the big system and if you set up a system just for them, I'm not sure how that would play it. It would worry me a bit.[229]

One judge thought that pseudolaw may decrease if there was more legal education and a better understanding of the legal system.[230] Some literature suggests that increasing legal literacy may be an important part of responding to pseudolaw.[231] Interestingly, one judicial officer did not believe that improving legal aid would help pseudolaw litigants:

> *My response to that was that legal aid will not help these litigants*. They will oppose. And being told what the true legal position is not really what these litigants want. They want to oppose and whether it is coming up with pseudo legal arguments or just denying, I'm not sure that it helps the system.[232]

While it might be that support is not productive for those individuals who truly believe in pseudolaw, it is possible that early support would prevent individuals from running into pseudolaw. If the legal system made resources available, those looking for knowledge about the system, could easily find it and one of the major drivers of the emergence of the phenomenon could be countered.

4. CONCLUSIONS

The findings from these interviews illustrate that pseudolaw has become a distinct and pervasive phenomenon in South Australia's courts. While the precise frequency of pseudolaw cases varies across jurisdictions, judicial officers and administrators reported frequent encounters that disproportionately consume their time and resources. This indicates that measuring pseudolaw by raw numbers alone, or by reading judgments, is misleading. Its impact far exceeds its statistical representation due to the complexity and time-intensive nature of dealing with pseudolegal litigants.

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[228] Interview 2: Judicial Administrator, 118–121.
[229] Interview 4: Judicial Officer, 594–597 (emphasis added).
[230] Interview 4: Judicial Officer, 668.
[231] Harry Hobbs, Stephen Young and Joe McIntyre, 'Responding to Pseudolaw' in Harry Hobbs, Stephen Young and Joe McIntyre (eds), *Pseudolaw and Sovereign Citizens* (Hart, forthcoming).
[232] Interview 5: Judicial Officer, 232–236 (emphasis added).

Pseudolaw adherents exploit the performative nature of litigation, often using tactics like aggression, intimidation, the recruitment of audiences, and scripted, convoluted arguments to manipulate court proceedings. This deliberate misuse of the legal process distinguishes pseudolaw from other phenomena and makes it uniquely challenging for judicial officers and administrators to manage.

Participants emphasised that pseudolaw is not defined by the specific legal arguments used, but rather by the attitude and behaviour of litigants. They are identified by a consistent questioning of authority, voluminous filings, and a conspiratorial belief that the legal system is rigged against them. This mindset, along with the presence of organised networks led by pseudolaw 'gurus', makes the phenomenon particularly concerning. It drains resources, imposes significant burdens, particularly on front-line judicial officers, and increases the costs for all involved, including third parties.

The responses to pseudolaw in South Australian courts involve a range of measures targeting different stages of the court process and judicial administration. At the registry level, restrictions have been put in place to limit the ways pseudolaw adherents can communicate, aiming to manage their voluminous and often irrelevant correspondence. Some judicial officers and judicial administrators have suggested treating pseudolaw adherents similarly to vexatious litigants, allowing the courts to limit their access to the justice system.

The interviews demonstrated the vital role of Sheriff's Officers in managing pseudolaw adherents. They provide courtroom security and maintain a registry of known sovereign citizens. In some cases, pseudolaw matters from regional courts are relocated to the CBD due to lower staffing levels and fewer resources in regional areas.

Education and training for both judicial officers and administrators are seen by participants as essential to improve responses to pseudolaw. Collaboration with external stakeholders, such as SAPOL was also emphasised, especially in managing the adherents who pose a threat to court safety. Participants also recognised that there is a psychological dimension of pseudolaw, as some adherents may hold deep-seated beliefs that are resistant to conventional legal responses.

In terms of responses, participants' opinions differ on whether improvements to legal aid or other conventional legal services will help mitigate pseudolaw. Some participants believe broader systemic reforms and targeted strategies are required to address the unique challenges posed by pseudolaw. Overall, whilst opinions on the specific responses differed, it was clear that *some* response is needed to manage the rise of this phenomenon in South Australian courts.

The overarching conclusion is that pseudolaw, though relatively small in absolute numbers, has had a dramatic and negative impact on the functioning of the justice system. It slows down legal proceedings, creates unnecessary delays, and imposes substantial financial and administrative costs. Judicial officers and administrators are increasingly frustrated by the rise of pseudolaw, viewing it as a huge problem that makes the legal system more cumbersome for everyone.

Part V: Pseudolaw Archetype Linguistic Case Study

Table of Contents

Summary of Findings

The findings identify five 'critical moments' where pseudolaw adherents systematically disrupted courtroom proceedings, with each intervention escalating in severity. At each moment, their use of turns and turn sequences disrupted the schematic sequences of talk essential to court proceedings.

The first moment, Denying Identity, sidetracked the process by contesting routine identification, diverting attention from substantive issues. Next, in Challenging the Authority of the Judicial Officer, adherents questioned the judge's right to preside, challenging courtroom hierarchy and the sequences of talk typically controlled by the judicial officer. Third, by Disputing the Court's Jurisdiction, they oblige the court to assert its legitimacy, further stalling proceedings.

The fourth moment, Appropriating Power/Authority, involved an adherent attempting to seize control by issuing pseudo-legal orders, radically disturbing the normal structure of courtroom talk. This culminated when the judicial officer recused themselves. The final moment, Escalating via Guru and Audience Participation, saw the pseudolaw adherents and their followers claim authority over the court, escalating tensions and introducing external disruptions.

This pattern appears systematic and strategic, progressively challenging the court's authority and legitimacy. Though pseudolaw rhetoric is legally baseless, it demonstrates communicative expertise in disrupting the schematic sequences that underpin legal proceedings.

There is some evidence that judicial officers and court personnel are developing strategies to pre-empt and de-escalate such disruptions, but coordinated training and shared strategies are needed to better equip them for these challenges.

1. INTRODUCTION

In this section, we bring an applied linguistics lens to the language used in an archetypal case involving pseudolaw proponents. While pseudolaw rhetoric has received considerable attention in the legal literature, this focus has largely been on risk to legal processes and the lack of legal merit in pseudolaw arguments. There has been less attention to how the language associated with pseudolaw figures in and affects judicial proceedings. The upshot is that the understanding of the direct experience of judicial officers and how pseudolaw manifests in courtrooms remains limited.

In the following Part, we take a deep dive into a vivid illustration of pseudolaw behaviour in litigation, drawing on theme-oriented discourse analysis to examine how language constitutes professional practice.[1]

As per the findings outlined in the previous sections, pseudolaw adherents perform in court in ways that seek to subvert, manipulate, escalate and intimidate. Language is key to accomplishing this agenda.

Drawing on video and transcript data from a video of a South Australian Supreme Court matter and interview transcript data with judicial officers and court personnel, we illustrate how these processes manifest at critical moments in court proceedings in ways that are consequential for those involved.

2. BACKGROUND AND DESCRIPTION

The findings of the thematic analysis of interviews make clear that pseudolaw rhetoric threatens both the efficacy of the legal process and intimidates judicial officers and court personnel. The significance from a legal perspective is explained in the previous sections.

From an applied linguistic perspective, pseudolaw rhetoric renders the court as a crucial site.[2] Relevant here is the notion of critical moments within crucial sites,[3] at which the communicative expertise of participants is at a premium and the stakes are high for those involved. A unique opportunity to analyse the court as a crucial site was presented during the project when a *YouTube* video was identified as exemplifying emerging findings from the interviews with judicial officers and court personnel (*Sovereign Citizen Tries to Arrest a Judge*). This matter was discussed in the interviews with a number of participants as a particularly significant example of threatening pseudolaw behaviour.[4] A transcript from this court proceeding was subsequently obtained to enable the researchers to conduct a theme-oriented discourse analysis focusing on the situated, embodied linguistic processes[5] initiated by participants, and their discursive consequences for courtroom interaction.

[1] Celia Roberts and Srikant Sarangi, 'Theme-oriented Analysis of Medical Encounters' (2005) 39 *Medical Education* 632.
[2] Christopher Candlin, *Reinventing the Patient/client: New Challenges to Healthcare Communication* (2000) Cardiff University, *The Cardiff Lecture*, Healthcare Communication Research Centre.
[3] Christopher Candlin, Jonathan Crichton, and Arthur Firkins, 'Crucial sites and research orientations: Exploring the communication of risk' in Jonathan Crichton, Christopher Candlin and Arthur Firkins (eds.), *Communicating Risk* (Palgrave, 2016) 1–16.
[4] Interview 5: Court of Appeal Judicial Officer; Interview 6: Judicial Officer.
[5] Charles Goodwin, 'Professional vision' (1994) 96(3) *American Anthropologist* 606.

This particular court proceeding concerned a directions hearing involving two applicants and a respondent in a probate matter. The application sought revocation of a grant of probate, with the passing over of the applicant as executor and the granting of letters of administration in favour of an independent solicitor. The matter was heard on 8 August 2023 before a Master of the Supreme Court of South Australia. When the matter came on appeal to the Court of Appeal, the contentions in opposition to the orders made before the Master were 'held to be plainly without merit.'[6] In granting the application, the Master found that:

> the applicant had refused to administer the estate, including by refusing to accept the binding and enforceable nature of the orders made consequent upon an earlier settlement deed between the parties. This had occurred in a context of the applicant displaying what the Master described as "ongoing and intractable" hostility towards her brother.[7]

The applicant subsequently sought a stay pending appeal, which was refused in early 2024. In that matter, Doyle J observed that:

> …the applicant has failed to identify any arguable ground of appeal, or to otherwise demonstrate that the proposed appeal is a *bona fide* appeal with at least some prospect of success.[8]

On its face, that judgment does not disclose this as a pseudolaw case. However, the analysis of the video, the transcript and the testimony given by interview participants reveal this to have been an archetypal example of pseudolaw in litigation.

The proceeding before the Master in August 2023, and the events that followed, attracted considerable media attention due to the pseudolaw rhetoric,[9] concomitant threatening behaviours by the pseudolaw adherents and supporters, and consequences experienced by judicial officers and court personnel. Considering this case in light of the analysed database and interview data in Parts III and IV, the research team chose to examine this case as an archetypal instantiation of pseudolaw, through an applied linguistic lens, due to several factors, including:

- **Participants** – for example, a guru from interstate, an audience of supporters in the public gallery
- **Crucial Sites** – for example, the court, the bench, the public gallery
- **Critical moments** – for example, establishing the applicant's identity, escalation by guru and supporters within and beyond the courtroom, guru 'arresting' the judicial officer
- **Linguistic processes** – for example, challenging, disrupting, (d)escalating, threatening

The following analysis seeks to deploy a methodology derived from contemporary linguistics to better understand the behaviour and language used in this critical illustration.

[6] *Georganas v Georganas* [2024] SASCA 1, [3] (Doyle J)
[7] Ibid, [2] (Doyle J)
[8] Ibid, [8] (Doyle J)
[9] Sean Fewster, 'Federal MP's Sister Tells Supreme Court Judge He's Under Arrest' *The Advertiser* (online, 9 February 2024) <https://www.adelaidenow.com.au/news/south-australia/federal-mps-sister-tells-supreme-court-judge-hes-under-arrest/news-story/5762b6cdca5c89e77153b8949981409b>.

3. METHODOLOGY OF LINGUISTIC ANALYSIS

The analysis drew on Theme-Oriented Discourse Analysis, a method used to explore how language constructs professional practice.[10] Drawing from sociology and linguistics, this approach combines ethnography, and thematic and linguistic analysis, focusing on features of language such as intonation, vocabulary, and other patterns of talk to reveal how they shape judgments and influence decision-making.

The process involves two stages which may be either sequential or concurrent. A thematic analysis of transcripts is conducted to identify issues that bear on the research question. The findings of the thematic analysis then guide the focus of linguistic analysis that examines how participants' use of language as well as broader rhetorical patterns are implicated in the issues identified.

The analysis of the court transcript proceeded reflexively and iteratively, informed by ongoing discussions among the research team. The analysis was informed by an ethnographic understanding of the context yielded by the project database analysis, interviews with judicial officers and court personnel, and multiple viewings of the video of the court proceedings. Based on these findings, the analysis of the transcript focused on identifying 'critical moments'—key turning points that shaped the outcome of the proceedings—using these moments to inform our linguistic and interactional analysis. The focal question was:

- **How is language implicated at critical moments in the proceedings?**

This Part explores and addresses this question by reference to this single, extraordinary (and extraordinarily well-documented pseudolaw case.

4. FINDINGS

The findings are summarised and presented in Tables 1–5 below, followed by a detailed discussion. In the tables, five critical moments are identified in the sequence in which they occurred in the court. These are each elaborated with illustrative quotes from the video and court transcript. The quotes evidence the language used by pseudolaw adherent(s), the response of the judicial officer, and strategies discussed by judicial officers and court personnel.

At each critical moment, turns and turn sequences used by pseudolaw adherent(s) function in ways that have the potential to disrupt the schematic sequences of talk that constitute court proceedings. Moreover, the five critical moments follow a sequence of increasingly disruptive interventions in the flow of legal proceedings. The pattern that emerges here appears systematic and strategic, with each critical moment escalating from what came before, progressively increasing the challenge to court proceedings, and culminating when the judicial officer leaves the court.

The following is a breakdown of the five critical moments and how they affect the flow of courtroom talk:

[10] Roberts and Sarangi (n 1).

A. Denying Identity

The first critical moment involves the pseudolaw adherent refusing to recognise their legal identity, claiming that their legal name is separate from their living self. This disrupts the court process by interrupting routine identification procedures, requiring the court to clarify a fact that should not need to be contested. This sidetracks the proceeding from substantive issues and obliges the court to address the adherent's identity-based objections. This critical moment can be seen in the following table:

Table 23: Denying Identity Critical Moment

	Crucial sites/Critical moment	Pseudolaw manifestation/performance (Court proceedings transcript)	Judicial Officer /Court Personnel response (Court proceedings transcript)
1	**Denying identity**	***Applicant 1 (A1) repeatedly interrupts the Judicial Officer (JO) and contests the name used to refer to her (the applicant):*** **P2. 29-33** **A1:** Well I don't know why the respondents go first, but anyway **JO:** [Title and Surname of A1], I'm sorry, you really can't just interrupt, and, when it's your turn, I will not interrupt you. But for the moment - **A1:** I'm [First name]. I'd just like to say to you I'm [First name]. **JOr:** Okay [First name A1] **A1:** The only liable woman in this courthouse under Genesis 1:26"	***Notwithstanding the persistent interruptions of the Applicant, the Judicial Officer (JO) responds by using the applicant's preferred name:*** (see P2.29-33 quote, left hand column).

B. Challenging the Authority of the Judicial Officer

The second critical moment involves the pseudolaw adherent directly challenging the authority of the judicial officer, questioning their right to preside. This functions as a threat to the courtroom hierarchy, potentially undermining the judicial officer's role and disrupting the turn-taking system, where the judicial officer typically controls the flow of talk. The court's procedural efficiency relies on its ability to give and take turns predictably in accordance with the schematic sequences that constitute proceedings, and these challenges create an adversarial space where participants do not recognise the judge's control of the conversation. This critical moment can be seen in the following table:

Table 24: Challenging Authority Critical Moment

	Crucial sites/Critical moment	Pseudolaw manifestation/performance (Court proceedings transcript)	Judicial Officer /Court Personnel response (Court proceedings transcript)
2	**Challenging the authority of the judicial officer**	***The Applicant contests the authority of the presiding JO, alleging judge misconduct:*** **P8.15-25** **A1:** So Judge [Surname], you have now breached s.34 Crimes Act 1914, because any judge or magistrate acting opposively or with a personal interest, is an indicible (sic) offence which engages the Bill of Rights, the 1688, which the prime minister has re-pledged his secular oath of allegiance to the King, so you may recuse yourself from this courtroom. This court is now coram non judice because we have the evidence here. You've had all my evidence that we went to pay – there's no … and I stand under the Holy Bible, the King James Version.	***The JO listens to the applicant, and dismisses the applicant's claim of criminal activity on the part of the JO:*** **P10.2-10** **JO:** Please let me finish. I've seen the documents that you have sent to the court. I have noted, and noted this in my most recent judgement, that some of them relate to alleged crimes by myself, alleged crimes by Auxiliary Master [Surname], and alleged crimes by Mr [Surname], and alleged crimes by Mr [Representative Surname]. As far as I can tell from the documents I have seen, those crimes are not matters that are recognized by any law of Australia of which I am aware

		P9.24-25 **A1:** You have to stand down. This is a crime scene now, we have a crime.	

C. Disputing the Jurisdiction of the Court

The third critical moment involves the pseudolaw adherent asserting that the court has no jurisdiction over them. These assertions lead to interruptions where the court must pause to assert its own legitimacy. Instead of progressing through legal arguments based on the issues of the case, the judicial officer is obliged to take the assertions seriously to a point as a matter of procedural fairness. The court is thereby diverted into establishing that it has the authority to adjudicate, further disrupting the sequence of the proceedings. This critical moment can be seen in the following table:

Table 25: Disputing Jurisdiction Critical Moment

	Crucial sites/Critical moment	Pseudolaw manifestation/performance (Court proceedings transcript)	Judicial Officer /Court Personnel response (Court proceedings transcript)
3	**Disputing the jurisdiction of the court**	***A1 contests the jurisdiction of the court:*** **P8.10-15** **A1:** So if you deny my right to see the ruling of this jurisdiction of the course, the course being treason, exclusive to grand jury, this court has no jurisdiction to continue where treason is now consequence in the courtroom.	***The presiding JO continues to listen to the applicant, hearing them out, before responding:*** **P8.26-29** **JO:** Do you want to make any further submissions? **Applicant 1:** Sorry? **JO:** Are they your submissions?

D. Appropriating Power/Authority

In the fourth critical moment the second pseudolaw adherent attempts to take over the authority of the court by standing up, interrupting the judicial officer and issuing pseudo-legal orders themselves, making threatening pronouncements against the judicial officer and the court. This is a radical disruption of the normal turn-taking structure that threatens the schematic distribution of discursive rights and obligations; that is, who has and does not have the right to speak and make decisions. The usual orderly turn sequences between participants in the court process are disturbed as the adherent inserts themselves into a position of control, further disrupting proceedings, and culminating when the Judicial Officer recuses themselves. This critical moment can be seen in the following table:

Table 26: 'Appropriating Power' Critical Moment

	Crucial sites/Critical moment	Pseudolaw manifestation/performance (Court proceedings transcript)	Judicial Officer /Court Personnel response (Court proceedings transcript)
4	**Appropriating power/authority**	***An Unknown Speaker (US), later identified as a pseudolaw 'guru', makes an unsolicited contribution to the courtroom interaction:*** **P10. 25-26** (Addressing the judicial officer) **US:** Stand down. **A1:** Yes, you've got to stand down.	***The JO rejects the US/guru's demand. The guru is not a party in the courtroom proceedings, but in responding to him, he becomes a 'ratified participant':*** **P10.27-30** **JO:** Allright. I'm taking this as an application to recuse myself. I decline to do so as no basis has been shown for any need for me that I recuse myself in this matter. I –

E. Escalating via Guru and Audience Participation

The final critical moment brings the sequence of critical moments to an end when the pseudolaw guru and followers in the public gallery assert that they are now the legitimate authority in the courts, claiming to cite legal statutes and invoke the authority of further legal institutions. In doing so, they override the schematic sequence of talk. This escalation verges on being physically threatening, as the court is forced to address non-participants, deal with potential disruptions from external sources, and contend with extraneous information that is not relevant to the legal matter at hand. This critical moment can be seen in the following table:

Table 27: 'Escalating' Critical Moment

	Crucial sites/Critical moment	Pseudolaw manifestation/performance (Court proceedings transcript)	Judicial Officer /Court Personnel response (Court proceedings transcript)
5	**Escalating via guru and audience participation**	***The unknown speaker/guru, stands up and interrupts the judicial officer:*** **P10. 31-33** **US:** Judge [Surname], you are concealing treason against the King of England. You are now charged, you are under arrest - **P11.6-16** **US:** Please leave me alone because you stand under the crown, the royal seal Judge [Surname] you are now charged under s.80.1 of the Criminal Code Act because you don't have an applicant. You are trading in necromancy, you are treating dead people in this courtroom, and so is Mr [Representative] who's been charged for perjury. Most importantly, you do not have a copyright from the First Nation people and the Parliament of South Australia have recognized the First Nations.	***The judicial officer responds to the unknown speaker/guru:*** **P10.38 – P11.1** **JO:** I'm sorry, if you don't sit down I'll ask the sheriffs officers – **P11.21** **JO:** Have you finished? **P11.35** **Judge:** I adjourn Video 16:30 seconds Sheriff's Officer (SO): Thank you. The court is now adjourned so [motioning to leave]

In all these five instances, pseudolaw adherent(s) disrupt the schematic sequences of courtroom talk which normally ensure the orderly and efficient resolution of legal issues. Their verbal interventions in these sequences constitute critical moments that build progressively to challenge legal authority and process, and seek to undermine the authority and legitimacy of the court, confusing roles, delaying proceedings, and obliging the court to divert attention from substantive legal issues to procedural or extra-legal disputes.

5. DISCUSSION

The findings highlight how pseudolaw adherents systematically and strategically orchestrate critical moments in seeking to disrupt, undermine and override court proceedings, in some cases posing a threat to judicial officers and court personnel. In doing so, adherents' use of language evidences 'communicative expertise'[11] in subverting the schematic orders of talk that both communicate and are constitutive of court proceedings.

In the following discussion, we draw upon the evidence given in the interviews with judicial officers and judicial administrators in Part IV of this report to better understand these critical

[11] Christopher Candlin and Sally Candlin, 'Editorial: Discourse, Expertise, and the Management of Risk in Health Care Settings.,' (2002) 35(2) *Research on Language and Social Interaction* 115; Cherrie Galletly, David Ash, Shaun Sweeney, Fiona O'Neill and Jonathan Crichton, 'Identifying and Exploring Linguistic Expertise of Psychiatrists in Interviews with Patients with Thought Disorder,' (2020) 28(2) *Australasian Psychiatry* 193

moments. The following table sets out examples of the strategies and insights from those interviews as they may be understood in the context of these critical moments:

Table 28: Examples of Archetypal Critical Moments from Interviews

	Crucial sites/Critical moment	Strategies/insights from interviews with Judicial Officers and Court Personnel
1	**Denying identity**	**Interview 6:** I've had some who stand up and say I am the only living person in the court room and I don't accept the authority of a dead person and you're a dead person. And what do you say to that? I'm just not dead. You could end up having a great long argument. *I just accept their names.*
2	**Challenging the authority of the judicial officer**	**Interview 5:** It really, in a sense, the procedural vehicle is not important, it is about getting before the court to challenge or oppose what it is that is happening to the litigant … You know *you have to be very cautious.* And my own experience has been that *the more interested you are in trying to get to the bottom of what is going is, the better the hearing is* … I think, generally, invariably, there is a genuine issue that the unrepresented litigant needs to try and oppose and in setting up the array of arguments that the litigant does, most times, not always, they are being genuinely put forward even though they are legal nonsense. So *calling someone out for legal nonsense at the first hearing doesn't bode well for a smooth hearing. It can get difficult.*
3	**Disputing the jurisdiction of the court**	**Interview 6:** But the thing is, *you can't not hear it*. Because of *course if you do not hear it, they can appeal because there is lack of procedural fairness*, they will win that appeal. Once you give them a win, it's like the wind beneath their wings, they're off. **Interview 4:** And it is really hard because their pleadings are always opaque, they've got a scatter gun approach to various issues. And *I think where we end up spending the time is because we want to do justice* we want to. If they do have a proper point, *we want to deal with it* and because they're often people who you know not terribly well off, their vulnerable in some way, like prisoners are vulnerable. So, if corrections genuinely are doing the wrong thing, then we need to find that, pick it up, deal with it. But it can be very hard when they don't actually tell you what their issue is**.**
4	**Appropriating power/authority**	**Interview 6:** *You can say be careful what you see on the internet because it's not always right*. Secondly, the reason this argument won't work is … and you can reason with them, and *you can steer them away from it*. So that's the first lot. The second lot of people are the ones who, they do not believe any of it, but they use it to avoid their legal responsibilities. And again, and I think they have stumbled across it on the internet, obviously I have no idea how they found it. The genuine ones tell me they found it on the internet. And *I say well, look maybe don't do that*. These ones, they don't tell me how they got these arguments but my own impression having now dealt with many of them, they don't believe any of it they are just trying to avoid their legal responsibilities, and it's just an easier way to deal with it … And then the third category is the true sovereign citizen who have bought into the whole thing … The true believer. And *in terms of how you deal with them, the second and third categories, it doesn't really matter which one they are, they are just as hard to deal with*. Although, the middle category aren't threatening whereas the real ones can be very threatening.
5	**Escalating via guru and audience participation**	**Interview 4:** *We're very mindful. We do not underestimate these folks.* we've seen them go from coming in and being compliant and chatty then when confronted with reality that doesn't match their own, they go from zero to quite aggressive very quickly. Their world comes crashing down and they can't handle it and they just go "boom". They get angry really quick …*We monitor the court list and look for familiar names*. It used to be charges. That also gave them away, so and so has been charged with an offence, like "natural person", it kind of gave it away to be one of them. So, *we would prepare for that … Additional officers, allocated surveillance operators will be notified, they operate the CCTV. It is making sure the CCTV are on them while they are in the building, monitoring them at all times. We also observe them walking through waiting areas, trying to engage with folks waiting for their court matters. To (a) give advice or (b) sign people up to their cause*. **Interview 6:** I had 45 people in the courtroom who stood up in a concerted movement in a sort of choreographed movement and started walking toward the bench and then one of them was filming. When my clerk left at the end of the day, they were filming outside, filming her and she could hear them saying, we don't know what they were doing, "that's Judge X's clerk, she's corrupt", all this stuff. *She went back in, and we got Sheriff's Officers,* and she gets the tram home and she's walking across Victoria Square and there's nothing funny about it. So, when we saw it on the front page, they all thought it was hilarious, it was not hilarious, it was extremely threatening.

A measure of the efficacy of these critical moments is the seriousness of their challenge and impact on the court:

> ***It's enormously time consuming.*** Dealing with these cases at every stage is far more time consuming than a properly represented case. So, you spend a lot of time reading pleadings, trying to work out what it is about and then of course they are a bit flaky when it comes to turning up to hearings. Or if they do turn up, they are a bit combative, and you end up having twice as many hearings because you have to deal with those sorts of issues. And then the hearing itself can be, can take at least twice as long as a normal hearing. And then writing the judgment, trying to distil what it is all about into something that makes a bit of sense is hard. And having to deal with all of these arguments is really quite tricky because you do have to deal with them in order to dismiss them, you can't just ignore them and ignore that they have put that argument forward. ***You have to try and understand all of the stuff, the conventions etc. but you have to at least acknowledge the argument that was put***. ***They are enormous time wasters. Enormously***. [12]

Evident here is the double bind that faces judicial officers in attempting to respond to pseudolaw rhetoric. On the one hand, responding to the substance of what is said can delay legal proceedings. On the other hand, not responding can pose risks to procedural fairness.

The counterpoint to the communicative expertise demonstrated by adherents is the communicative expertise of judicial officers and court personnel. On this, there is some evidence in the video, court transcript and interviews that judicial officers and court personnel are beginning to recognise and develop ways of responding to these critical moments. Here we consider two strategies: pre-empting and de-escalating.

A. Pre-empting

In the following example, the Judicial Officer is aware that a common adherent strategy is to deny and refuse to confirm their identity as recorded by the court. Foreseeing this strategy, the Judicial Officer shifts the onus of accountability for self-identification back onto the adherent, asking them for their preferred name and/or accepting the name they provide:

> … it's all along the same sort of theme about how the Australian, the Commonwealth is a fiction and that its laws are invalid and the state laws are invalid and all this stuff about them being living people and I've had some who stand up and say I am the only living person in the courtroom and I don't accept the authority of a dead person and you're a dead person. And what do you say to that? I'm just not dead. ***You could end up having a great long argument. I just accept their names… That's what I do now, routinely, because there is no point arguing about it. It's just such a stupid thing to argue about.*** I don't care. I am happy to call people whatever they want. So that's one of the things that they do, ***as soon as I can tell that's where we are heading and they start raising the name thing, I say that's fine, what would you like me to call you***?[13]

B. De-escalating

In this example, a judicial administrator strategically shifts register to reframe the interactional roles of themself and the adherent, minimising social distance and face threat, and thereby repositioning the adherent and defusing the situation:

[12] Interview 4: Supreme Court Judicial Officer, 404–415.
[13] Interview 6: Judicial Officer, 173–178; 193–197.

> We have to, in a way, interpret on the fly, what they are doing and then see what person would be amenable to a bit of banter and you can sort of shut them down with a bit of sort of banter and try and have a bit of a laugh. Then there are others that just are coming in the angry, they want to fight and will just argue. And then those folks we just shut down, ***we are polite and professional and just shut them down***.[14]

Here, the Judicial Officer adjourns the court, the strategy being dramaturgic, to remove the audience for the performance of pseudolaw:

> And they started shouting and carrying on. So, I just said, right I'm adjourning. So, we pressed the duress alarm, twice***. And I adjourned because again I have the theory that if there is no one there to perform to, it will make it go away***.[15]

And here, the judicial administrator recalls an occasion (their first experience of pseudolaw) where the Judicial Officer, attempts to de-escalate by shifting within their role from presiding over the matter at hand to supporting the adherent to access legal advice. When this strategy fails, the Judicial Officer takes the strategic option of reverting to her presiding role, remanding the adherent in custody:

> She adjourned the court and gave him the opportunity to go and speak to one of our duty solicitors. Instructed me to take him to the duty solicitor while she adjourned the court for a short break. We then ushered him out of the courtroom. He was still continuing to mouth off his rhetoric. And then he got to the door, said something, turned around and yelled back: "You're abandoning this case, you're abandoning this court". She was about three quarters of the way of the courtroom, then the door flung back open, she flew back in and, said "Mr Sheriff's Officer grab that man", did that, spun him around, and brought him back to the thing***. The Magistrate said "I'm not having any of this, I'm going to remand you in custody for two weeks while you think about your behaviour". So, he was sent to the ARC for a few weeks. When he came back, he was remarkably more sober and more reasonable***.[16]

These examples of responses testify both to the effort and risk experienced by individual judicial officers and court personnel in seeking to address the challenges posed by critical moments, not only as isolated disruptions but as an orchestrated phenomenon. The overriding message from this analysis of the archetype is the gravity of the risks posed to legal processes and personnel by pseudolaw rhetoric and its adherents.

6. CONCLUSION

The archetypal case highlights how the disruptive effects of pseudolaw rhetoric challenges the communicative processes essential to court proceedings. The larger significance lies in recognising that language constitutes professional legal practice, and pseudolaw rhetoric, though legally vacuous, demonstrates communicative expertise.

While judicial officers and court personnel are beginning to develop individual strategies to address these challenges, there is limited coordination or sharing of effective methods. Capturing, sharing, and strengthening these local strategies is crucial for developing coordinated awareness, and educational and training tools to better equip court personnel in managing such disruptions.

[14] Interview 3: Sheriff's Officer, 401–405.
[15] Interview 6: Judicial Officer, 386–388.
[16] Interview 3: Sheriff's Officer, 38–48.

Part VI: Overall Observations & Recommendations

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1. ADDRESSING THE CORE RESEARCH QUESTIONS

The last five years have seen increasing attention given to the phenomenon of pseudolaw. What was, a decade ago, very much a fringe matter has grown into a mainstream issue. As researchers, we have seen a significant upturn in concern and attention given to the issue. However, there remains a dearth of empirical research into pseudolaw in Australia, making it extremely difficult to quantify just how significant a problem this phenomenon is.

This project begins to redress this shortcoming, focusing on the rise of pseudolaw in a single discrete Australian jurisdiction. This project uses a mixed methods approach to meaningfully map the scale and impact that pseudolaw has on the administration of justice in South Australia. In addressing this issue, the three Parts of this Report provide critical insights into the phenomenon of pseudolaw and as it manifests in South Australia's judicial system.

This final Part draws together these findings before setting out a series of recommendations that could help ameliorate the impacts of pseudolaw.

2. KEY FINDINGS OF RESEARCH PHASES

In designing this study, we recognised that to properly answer the above research questions, and to meaningfully map the nature, extent and impact of pseudolaw in South Australia's judicial system, it would be necessary to adopt a range of research methodologies to understand distinct aspects of pseudolaw. The three phases of this project helped to reveal different aspects of how pseudolaw is manifesting.

A. Database Analysis of Reported Pseudolaw Cases

The first phase of the research looked at how pseudolaw appears in the principal public artifact of the judicial system, the reported judgment. A database was created of pseudolaw cases, with 69 cases identified between 1973 and 2024. This database allowed insights into how regularly, and in what form, pseudolaw appears.

Table 29: Summary of Findings of Analysis of Reported Cases

Research Question	Findings
Is there evidence that pseudolaw is emerging as a distinct phenomenon in the publicly available case law of South Australia?	There is clear evidence that pseudolaw is a distinct phenomenon in case law and that the prevalence is increasing in frequency. There has been a 50% increase in pseudolaw cases in the last 10 years compared to the previous 40 years
What types of cases are pseudolaw arguments being used in (nature, type, jurisdiction etc)?	The cases are evenly distributed between civil and criminal matters, with applicants/appellants overwhelmingly self-represented. The majority of reported cases have occurred in the Supreme Court of South Australia, no doubt an artifact of the dataset of reported judgments. Pseudolaw adherents are overwhelmingly male, and there is a significant impact of repeat litigants.
What are the forms of pseudolegal argumentation that are being deployed in these cases?	The pseudolegal argumentation deployed in these cases can be categorised into six areas: strawman arguments, law is a contract, state law is defective, private prosecution, other, and pseudolaw adjacent.

The database revealed that, even with the limitations of reported judgments, there was clear evidence of growth of pseudolaw-type matters. It is reasonable, on this dataset, to now describe pseudolaw as constituting a distinct phenomenon.

Matters were evenly distributed between civil and criminal matters, though there was variation depending upon the relevant jurisdiction. Litigants were overwhelmingly male and self-represented, though there were notable exceptions to both of these stereotypes. The most common form of argument was that the law is defective, though other pseudolaw tropes appeared in the cases – including strawman arguments, law as contract/lack of consent and private prosecutions.

Taken as a whole, the database provides an important insight into how pseudolaw is appearing in the visible written record of the South Australian judicial system. However, it was also obvious that this record only allows a partial insight into the extent, nature and impact of pseudolaw in the state.

B. Thematic Analysis of Interviews with Judicial Officers and Administrators

To gain a deeper and more comprehensive view of how pseudolaw was manifesting in, and impacting, South Australia's courts a series of interviews were held with judicial officers and administrators. In the end, six interviews were held with 7 participants, with a representative sample of judicial officers and administrators. A thematic content analysis was then conducted on the transcripts of those interviews. The findings of that analysis are summarised below.

Table 30: Summary of Findings of Analysis of Interviews

Research Question	Findings
How is the phenomenon of pseudolaw understood and experienced by judicial officers and judicial administrators in South Australian courts, and what impact is it having on the administration of justice in this state?	The phenomenon of pseudolaw is widely recognised and experienced by judicial officers and administrators in South Australian courts as a distinct and growing issue. Despite the relatively small number of cases, pseudolaw has a disproportionate impact, consuming significant time and resources, particularly for judicial officers and administrators with heavy caseloads. It is seen as a unique challenge requiring special attention. While some strategies are in place to manage pseudolaw (often ad hoc), there is a recognised need for further reforms.

Through the interviews, it was clear that those at the front line of the administration of justice recognise pseudolaw as a distinct phenomenon. Participants noted that while its frequency varies, it is a regular part of their workload. Pseudolaw was characterised more by the behaviour and attitudes of pseudolaw adherents rather than by specific legal arguments. Its defining features include a conspiratorial mindset, persistent questioning of authority, voluminous and irrelevant findings, and using scripted, often nonsensical arguments. Adherents view themselves as fighting the "good fight" against a system they believe is rigged against them.

The most important findings, however, were related to the impact that pseudolaw is placing on South Australian courts. Participants described it as a huge problem that delays legal proceedings, drains resources and increases costs for the courts, litigants and third parties. The theatrical and confrontational nature of pseudolaw disrupts court operations, making the administration of justice more difficult and requiring disproportionate attention. The substantial burden of psuedolaw is undermining the morale of judicial officers and administrators, and there are increasingly serious concerns it is threatening their safety and well-being.

While some *ad hoc* strategies have been developed to manage pseudolaw, there is a recognised need for further reforms, such as increased training for judicial officers, streamlined dismissal processes, and more consistent support from higher courts to handle these cases more efficiently. This analysis suggests that there is a consensus that pseudolaw is a distinct phenomenon that appears in, and detrimentally impacts, South Australia's courts, and, additionally, that institutional responses have yet to recognise this.

C. Pseudolaw Archetype Linguistic Case Study

The final phase of the research used a Theme-Oriented Discourse Analysis (a method used to explore how language constructs professional practice) to examine how the language and behaviour of pseudolaw adherents shape judgments and influence decision-making. This phase took as its subject of study a single archetypal hearing in a series of pseudolaw litigation.

Table 31: Summary of Findings of Pseudolaw Archetype Linguistic Case Study

Research Question	Findings
How is language implicated at critical moments in pseudolaw proceedings?	The findings identify five 'critical moments' where pseudolaw adherents systematically disrupted courtroom proceedings, with each intervention escalating in severity. At each moment, their use of turns and turn sequences disrupted the schematic sequences of talk essential to court proceedings.

This analysis reveals five 'critical moments' as evident through the language and behaviour of adherents. The first moment, *Denying Identity*, sought to sidetrack the process by contesting routine identification, diverting attention from substantive issues. Next, in *Challenging the Authority of the Judicial Officer*, adherents questioned the judge's right to preside, challenging courtroom hierarchy and the sequences of talk typically controlled by the judicial officer. Third, by *Disputing the Court's Jurisdiction,* they oblige the court to assert its legitimacy, further stalling proceedings. The fourth moment, *Appropriating Power/Authority*, involved an adherent attempting to seize control by issuing pseudo-legal orders, radically disturbing the normal structure of courtroom talk. This culminated when the judicial officer recused

themselves. The final moment, *Escalating via Guru and Audience Participation,* saw the pseudolaw adherents and their followers claim authority over the court, escalating tensions and introducing external disruptions.

This pattern is a strategic attempt to progressively challenge the court's authority and legitimacy. Though pseudolaw rhetoric is legally baseless, it demonstrates communicative expertise in disrupting the schematic sequences that underpin legal proceedings.

This study highlights that while pseudolaw may be ineffective in achieving its desired substantive legal results, the language and behaviour can be highly effective in achieving short-term procedural goals of disrupting the proceedings of court.

3. OVERALL OBSERVATIONS REGARDING THE RISE OF PSEUDOLAW

The findings of this report demonstrate overwhelmingly that pseudolaw should now be regarded as a distinct social phenomenon that is manifesting in highly disruptive ways in the South Australian judicial system. While the absolute number of cases may be relatively small, those cases have a large impact on the administration of justice. Pseudolaw is one of the top issues facing the courts, particularly those dealing with high volumes of self-represented litigants.

The scale and impact of pseudolaw are poorly visible, as it often manifests in filings and unreported matters. However, that impact is keenly felt by both judicial officers and administrators. The phenomenon distorts the workloads and operation of courts, and in some instances forces judicial officers and administrators to alter how they operate.

One of the challenges facing judicial officers and administrators has been the disconnect between their lived experience of the highly disruptive impact of pseudolaw and the perception that it is a fringe and ridiculous practice. This disconnect is observable in the difference between the findings of Phase I and Phase II. Looking at only reported cases, even given the elevated frequency of recent years pseudolaw may appear to still be a relatively fringe concern. For example, the database suggests that there has been an average of 4.2 cases/year in the last 10 years (42), or 5.6 cases/year in the last 5 years (28). However, the interviews reveal that these numbers fail to capture the scale of the issue. The evidence suggests, for example, that pseudolaw cases appear daily in the Magistrates court, and administrators are dealing with new matters 3-5 times a week. The Sherriff's Office has identified nearly 50 pseudolaw litigants that are so disruptive, they require tracking. All participants thought that pseudolaw was significantly increasing workload and burdens the administration of justice.

One of the more concerning findings was that adherents seem to be consciously intimidating judicial officers and administrators. Their behaviour can have short-term success, as highlighted by the research in Part III. This needs to be understood in the context of the findings of Part IV, where such intimidations and threats were seen to have significant impacts on the provision of security, and the workplace safety and well-being of judicial officers, administrators and staff.

Taken together, these three phases allow us to provide answers to the four research questions that underlay the design of the project.

Table 32: Summary of Answers to Key Research Questions

	Research Question	Answer
1	**To what extent is pseudolaw emerging as a distinct phenomenon in litigation before South Australia's courts?**	Pseudolaw should now be regarded as a distinct social phenomenon in litigation before South Australian courts. Across the judicial system, it is appearing regularly, sometimes daily.
2	**What are the defining features and contours of the phenomenon of pseudolaw in South Australia?**	Pseudolaw should be characterised more by the behaviour and attitudes of pseudolaw adherents rather than by specific legal arguments. Its defining features include a conspiratorial mindset, a persistent questioning of authority, voluminous and irrelevant findings, and making scripted, often nonsensical arguments. While adherents relied upon common pseudolaw tropes (such as strawman arguments, lack of consent, defective laws, and private prosecutions) there was a high degree of diversity in the precise manifestation. Matters were surprisingly evenly distributed between civil and criminal matters, though there was variation depending upon the relevant jurisdiction. Litigants were overwhelmingly male and self-represented, though there were notable exceptions to both stereotypes.
3	**How is pseudolaw impacting the operation of South Australia's courts and the conduct of litigation before them?**	Pseudolaw has a profound negative impact on the administration of justice in South Australia, significantly increasing workloads, requiring additional hearings and procedures and slowing down processes. Pseudolaw is now seen to be in the top handful of challenges facing the courts and is fundamentally reshaping litigation management in some areas of the judicial system. The rise of pseudolaw is consuming limited resources, and affecting the health, safety and well-being of those who work in the judicial system.
4	**How are South Australia's courts responding to pseudolaw?**	Judicial officers and administrators are developing ad hoc responses to deal with the demands of pseudolaw, largely on an individual basis. While this allows for the management of specific litigation and individual litigants, there have been few systemic responses. There is clear recognition that pseudolaw has now reached a scale and significance that systemic responses are needed.

Pseudolaw should be seen as a distinct social phenomenon that is significantly impacting the administration of justice in South Australia. The visibility of the phenomenon is hindered by the fact that it occurs in a context where it will not be reported in publicly available judgments. But it is occurring with increasing frequency, and its impact is out of all proportion to that number of cases. It should now be seen as a systemic concern, thus justifying systemic responses.

4. RECOMMENDATIONS: ADDRESSING THE RISE OF PSEUDOLAW

Drawing upon the three phases of the Report, this section explores potential responses of both judicial institutions of the State and the State Government to mitigate and address the impacts created by pseudolaw. This broader set of recommendations recognises that the core phenomenon of pseudolaw is larger and more complex than its direct impact on the judicial system and will require responses of a broader societal nature. Pseudolaw is a symptom of a range of societal diseases, and until these are addressed the phenomenon will persist.

A. Institutional Reforms within the Judicial System

A common response in the interviews set out in Part IV of this Report was that the phenomenon of pseudolaw has reached a scale and frequency that individual responses are no longer adequate, and active institutional responses are needed. As one judicial officer observed:

> I think it is very hard for an individual judge to do anything particularly effective. It's got to be the whole system taking that approach.[1]

The proposed reforms set out in this part are a response to this imperative and examine opportunities at the judicial institutional level to address the deleterious impacts of pseudolaw.

	RECOMMENDATION 1: Promotion of Common Nomenclature
1	**Judicial Officers and Administrators in South Australia should promote the adoption of a convention of using the term 'pseudolaw' to refer to this phenomenon.**

The first recommendation arises from naming this phenomenon. Because pseudolaw is an ongoing, ever-growing legal phenomenon, understanding it can help generate system-wide responses.

The qualitative interviews suggested that some judicial officers who were unfamiliar with these matters considered the litigants a funny nuisance rather than a demanding and emotionally draining cost on scarce judicial resources. Adopting a convention of common nomenclature would help ensure the consistent identification and response to the phenomenon and may ensure all legal professionals take this issue more seriously.

	RECOMMENDATION 2: Provision of Training for Judicial Officers & Administrators
2	**The CAA, Heads of Jurisdiction, and Registrars should work together to provide specialised training for judicial officers and administrators regarding how to recognise and respond to pseudolaw matters. This should also include the development of appropriate education resources to support judicial officers and administrators in better recognising and responding to pseudolaw matters.**

A common theme across interviews was that judicial officers and administrators were being left to respond to pseudolaw individually and to develop responses based on their own experiences. This highlights an increasingly acute need for specialised training for judicial officers and administrators on how to recognise and respond to pseudolaw.

Such training should be designed to facilitate an understanding of the systemic impacts of pseudolaw, and how this may change at different points of the judicial hierarchy. One of the clearest findings of this research was that most pseudolaw happens outside of the public eye and that if one is to look only at reported cases the scale of the phenomenon and its impact is greatly underappreciated.

[1] Interview 6: Judicial Officer, 555–557.

This training and education on the nature, impact and forms or appropriate responses of pseudolaw should be augmented by developing specialised resources to support judicial officers and administrators. For example, judicial officers should consider developing and using a bench book on pseudolaw adherents, like the Judicial Commission of NSW. Such a resource would enable judicial officers to quickly identify the type of pseudolaw arguments being made and pair it with appropriate authority for dispensing with the matter. Similar resources could be developed for relevant judicial administrators.

	RECOMMENDATION 3: Development of Guidelines for Responding to Pseudolaw
3	**Relevant guidelines should be developed for judicial officers and administrators to mitigate the impact of pseudolaw on the administration of justice and to ensure the safety and security of all personnel.**

Judicial officers and administrators currently develop responses to pseudolaw on an *ad hoc* basis without much communication between each other. There should be clear guidelines developed and disseminated on how to address pseudolaw in the courts. For example, interviews revealed scenarios where judges and associates have felt intimidated by groups of adherents. While Sheriffs are routinely present in criminal contexts, they are not in civil suits. If court staff can identify that a litigant in a civil matter is potentially a pseudolaw adherent, processes may ensure the Sherriff's Office is aware to make appropriate precautions.

	RECOMMENDATION 4: Consideration be Given to the Development of Procedural Reponses
4	**Consideration be given to the development of procedural reforms and screening techniques to protect the court and other parties from this cohort of litigants.**

Some jurisdictions, such as Alberta, have developed special procedural responses to pseudolaw, including allowing registrars to refuse to file complaints and submissions that are pseudolegal in nature. Some support was expressed for the idea of developing special procedures regarding the filing and management of pseudolaw cases.

We recommend developing procedural screening techniques to protect the court and other parties from pseudolegal litigants. A range of approaches could be adopted – including the Master Order from the Alberta Court of Kings Bench, and perhaps rules like the High Court Rules 6.07. These will need to be adapted to fit the specific circumstances of the relevant court.

	RECOMMENDATION 5: Consideration be Given to the Development of Status-Base Reponses Akin to the Vexatious Litigant Regime
5	**Consideration ought to be given to the development of new status-base regimes, akin to the vexatious litigant regime, to minimise the disruptive impact of individual pseudolaw adherents upon the administration of justice.**

Several participants thought that it appropriate to develop a process that treats pseudolaw adherents similarly to vexatious litigants. One judicial administrator floated the idea of having a register for sovereign citizens:

> We have a vexatious litigant register where people that are being determined as being vexatious and can't lodge civil claims without leave of the court and I think we possibly need to look at implementing something similar for sovereign citizens.[2]

Part III of this Report highlighted how the impact of a phenomenon can be greatly heightened by a few people who appear regularly in a range of matters. A sizeable number of cases are created by a small number of people – indeed, nearly a third of all cases in the database (22, 32%) involved just four pseudolaw adherents. However, the current vexatious litigant regime may not be fully suitable to responding to the challenges of pseudolaw.[3]

One of the issues is that, in contrast to the situation with vexatious litigants, the disruptive effects of pseudolaw adherents are not restricted to cases where they are a party to the litigation. Examples include where adherents appeared as witnesses, as disruptive members of the gallery, or in a role akin to a McKenzie friend. It may be that a new status base regime ought to be developed to enable the exclusion or regulation of pseudolaw adherents in such capacities.

The development of such a regime may require legislation to define and penalise the repeated misuse of pseudolaw in legal proceedings. However, given the scale of impact of pseudolaw revealed in this study, such a response may well be justified.

	RECOMMENDATION 6: Facilitate Information Exchange Across Courts
6	**Processes should be put in place to facilitate the exchange of information on pseudolaw across courts and between different parts of the judicial system.**

One of the issues that emerged from the interviews is that there are effectively no formalised mechanisms in place for sharing information.[4] For example, while the Sheriff's Office has a list of problematic pseudolaw litigants, there is no database or system in place for sharing information among potentially impacted stakeholders.

Processes need to be put in place to ensure that information on pseudolaw adherents is shared across courts, and between different parts of the judicial system. This will ensure that knowledge and experiences are not siloed and that judicial officers and administrators can be appropriately prepared to respond to the unique demands of pseudolaw.

	RECOMMENDATION 7: Facilitate Information Exchange with Relevant Interstate and National Institutions
7	**Steps should be taken to ensure and facilitate the exchange of information on pseudolaw with relevant judicial organisations, bodies and institutions across Australia, both at the State/Territory and Federal level.**

[2] Interview 2: Judicial Administrator, 201–204.
[3] See Interview 5: Judicial Officer, 464–465.
[4] Interview 3: Judicial Administrator, 573.

South Australia has been the focus of this study, but the challenges of pseudolaw are being replicated around Australia. Indeed, many of the experiences discussed in this report will reflect and resonate with judicial officers and administrators throughout Australia. Rather than leaving each State and Territory to develop responses on an *ad hoc* basis, it is likely that the sharing of resources and best practices could lead to a more effective and meaningful national response to the phenomenon.

Steps should be taken to facilitate information exchange on pseudolaw with relevant interstate and national institutions, including bodies such as the *Australian Judicial Officers Association*, *the National Judicial College of Australia*, and the *Australian Institute of Judicial Administration*.

B. Broader Legal and Social Reforms

While judicial officers and administrators can make some significant reforms and responses to pseudolaw, there are limits to what can be achieved within the judicial system. Ultimately, pseudolaw is a broader social phenomenon and requires societal engagement to properly address it.

The following recommendations outline some possible steps that may be taken by the Government of South Australia to ameliorate the social and systemic impact of pseudolaw on the State.

	RECOMMENDATION 8: Provision of Additional Resources to Judicial Institutions
8	**The Government should make additional financial resources available to the CAA and relevant judicial institutions to enable them to implement the above recommendations and to adequately ameliorate the institutional impacts of pseudolaw.**

Firstly, the recommendations outlined above are likely to have a significant financial impact on the courts – at least in the short term. Additional funding should be made available to the CAA and relevant courts to ensure the development of appropriate responses.

The findings of this research highlight that pseudolaw is currently imposing significant burdens on the administration of justice in this state, delaying hearings and judgments, increasing workloads and threatening workplace health, safety and well-being. While this study has not sought to put a dollar value on that impact, it is likely to be significant. A short-term injection of funds to develop targeted responses may have a significant return on investment for the state.

	RECOMMENDATION 9: Public Education on the Nature and Perils of Pseudolaw
9	**Resources be developed to facilitate public education on the nature and perils of pseudolaw.**

The findings of this research highlight that pseudolaw is a growing phenomenon in South Australia, that its growth is having detrimental impacts on adherents themselves, as well as

their friends, family and broader society. However, the research also highlights that the growth may, in part, be caused by a lack of public understanding of the law and the legal system, such that some individuals struggle to differentiate between law and pseudolaw.

We recommend that the State Government consider developing a range of resources to facilitate public education on the nature and perils of pseudolaw. The experience of judicial officers and administrators in this study suggests that once an individual becomes engaged in pseudolaw, it is difficult to extricate them from those beliefs or their system of support. Public-facing educational resources could act as a prophylactic to prevent individuals from accessing pseudolaw.

These resources would be augmented by a relevant public engagement campaign to debunk pseudolaw theories and promote accurate legal information.

	RECOMMENDATION 10: Initiatives Aimed to Enhance General Legal Literacy
10	**Steps should be taken to develop new initiatives to enhance general legal literacy in South Australia**

We recommend that the State Government explore opportunities to develop resources and campaigns to enhance legal literacy in South Australia. This recommendation to enhance legal literacy is supported by the findings in this report. For example, one judicial officer observed:

> I think if we had more legal education in schools and people had a better understanding of the system and the law, it would be good. It would hopefully help those people who are just doing their best[5]

Such initiatives may include supporting community workshops, public service announcements and educational programs in schools. Such a program would complement and augment the State Government's recently announced new civics initiative, *Safeguarding our Democracy Through Education*.[6] That initiative will see an $18.4 million investment in civics education in the state, to ensure every student graduates with the knowledge and skills needed in an increasingly polarized world. The development of legal literacy is a related issue to civics education. The focus on 'legal literacy' indicates that education and support on this issue needs to continue beyond the school curriculum.

	RECOMMENDATION 11: Support and Promote Further Research into the Impact and Nature of Pseudolaw in South Australia
11	**The State Government should support and promote further research into the impact and nature of pseudolaw in South Australia, particularly its impact on other government institutions and agencies.**

This project was a small-scale study that has demonstrated that pseudolaw is impacting the administration of justice in the State. The research has also suggested that we still know little

[5] Interview 4: Judicial Officer, 666.
[6] 'Safeguarding our democracy through education', *Government of South Australia* (19 August 2024) <https://www.premier.sa.gov.au/media-releases/news-items/safeguarding-our-democracy-through-education>.

about the broader, non-judicial scale and impact of pseudolaw in the State, including the impact on the police, local governments, the Crown Solicitor's Office and other state bodies.

The State government should support and promote additional research in this field to further analyse and understand the impact of pseudolaw on adherents and those affected. This research ought to extend to different organisations affected such as SAPOL.

	RECOMMENDATION 12: Facilitate Better Collaboration with Police
12	**Steps should be taken to ensure and facilitate the exchange of information on pseudolaw between SAPOL and the courts.**

The interaction between SAPOL and various judicial administrators was identified as an important systematic response to pseudolaw. Steps should be created to facilitate the better exchange of information on pseudolaw between SAPOL and the courts, and to promote greater collaboration with law enforcement agencies to address illegal activities related to pseudolaw. To the extent that it is necessary, additional resources may be necessitated to allow this initiative.

	RECOMMENDATION 13: Explore Targeted Support for Vulnerable Individuals
13	**The State Government should examine the feasibility of potential initiatives to provide targeted support for vulnerable individuals liable to be attracted to pseudolaw.**

One participant suggested developing psychological support for potential pseudolaw adherents as part of the broader suite of responses to the phenomenon. This suggestion builds upon the observation that once individuals believe in pseudolaw, they begin imposing significant additional burdens on the state. As a result, the State Government should examine the feasibility of developing initiatives that provide targeted support for vulnerable individuals liable to be attracted to pseudolaw.

	RECOMMENDATION 14: Increased Funding for Legal Aid and Access to Justice
14	**The State Government should examine ways of better investing in legal aid and access to justice in the state to provide greater and more meaningful avenues for individuals to engage with the law.**

Pseudolaw arises in response to alienation from the law and government. The issues of access to justice are well documented and are not easily solved. Nevertheless, the State Government should undertake a renewed process to examine how access to justice can be improved in this State (including through better use of technology, and regulatory challenges therein).

5. CONCLUSIONS

This project was initially designed to explore whether pseudolaw was really a 'thing' in South Australia – that is whether there was evidence that it has now emerged as a distinct phenomenon. It was satisfying, then, that one judicial officer concluded their interview with the following observation:

> It really is a thing, more people have heard of vexatious litigants but it has become this new thing.[7]

This Report demonstrates that pseudolaw is a distinct social phenomenon. It is occurring regularly in South Australia's courts. Moreover, the research found that pseudolaw has a profound detrimental impact on those courts, particularly in high-volume segments of the judicial system. It increases the workloads of judicial officers and administrators, impacts morale and well-being, and leads to concerns about personal safety.

Pseudolaw is no longer a marginal fringe issue. Rather, it is now a significant concern that is reshaping the fabric of the judicial system. It is time that systemic steps be taken to address and respond to the rise of pseudolaw. We hope that the recommendations set out in this Part prompt the necessary conversations to develop those steps.

Pseudolaw is no laughing matter. It is disrupting our courts. It is threatening our judicial officers and administrators. And it is harming all who come into contact with it.

We hope that this Report helps to support steps to redress this increasingly burdensome threat to the good administration of justice in this state.

[7] Interview 5: Judicial Officer, 490.

Appendix 1: Thematic Analysis of Interviews

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The following table represent an expansive overview of the Thematic Analysis contained in Part IV of this report. The tables in this Appendix differ from those contained in the body of the Report in two main ways:

1. **Key Illustrations:** The 'Illustration' column in the tables below includes an illustrative example/quote drawn from the interviews. These illustrations are not included in the Tables in Part IV, those some of the quotations are extracted in the discussion that is in that section;
2. **Commonalities and Differences:** The 'Commonalities & Differences in Stakeholder Views' column in the tables below examines the commonalities and differences on the relevant themes as they appear in the different interviews. This allows an examination and comparisons across interviews. Again, this material is not included in the Tables in Part IV.

This Appendix, therefore, represents a richer and more comprehensive resource for analysing the themes as they emerge from the interviews. However, given the length of the materials herein it is felt better for them to be included here as an additional resource rather than in the body of the Report.

1. THE PREVALENCE OF PSEUDOLAW

The following two tables correspond to the short-form Table 4 and Table 5 in the section '*The Prevalence of Pseudolaw.*' That section examines the participants experience of the prevalence of psuedolaw, and attempts to map whether there has been a perceived growth of the phenomenon.

A. Prevalence of Pseudolaw

The first Table examines broad issues of prevalence, including evidence of frequency, the cases where these matters are occurring and the demographics and identity of litigants.

Table 33: Prevalence of Pseudolaw

Themes	Key Finding	Illustration	Commonalities & Differences in Stakeholder Views
1. GENERAL PREVALENCE			
1.1 Prevalence today	Stakeholders encounter pseudolaw on a regular basis.	Yeah, it's a regular occurrence. A lot more regular now. When there are dates of them appearing, it could be weekly we get them. But, on average, it's once every three weeks to four weeks: ***Interview 3: Judicial Administrator, 78 – 80.***	**Commonalities** • There is a consensus across jurisdictions that pseudolaw arguments appear regularly in court proceedings. **Differences** • The lower court jurisdictions report higher frequencies of pseudolaw compared to the higher court jurisdictions. • Some stakeholders encounter pseudolaw more frequently due to their specific caseload or jurisdiction.
1.2 Instances before Covid	Pseudolaw existed before Covid and became more pronounced with the internet and increased access to legal information and arguments.	this phenomenon has been going on for a very long time: ***Interview 5: Judicial Officer, 40.***	**Commonalities** • Stakeholders agree that pseudolaw existed before Covid. Some trace it back to early 2010s, while others note its presence even earlier. **Differences** • Some stakeholders emphasise that the internet has turbocharged the phenomenon whilst others do not emphasise this aspect as significantly.

1.3 Covid as an accelerator	Covid acted as a significant accelerator for the prevalence of pseudolaw, with instances increasing dramatically (every six months to daily).	Up until COVID started, we probably would see one once every 6 months and we'd just deal with them during the normal course of our duties. Then COVID hit and it just exploded. Obviously, a lot of scared people out there, looking for simple solutions to complex problems. And they just signed up to these ideologies. We went from dealing with one every 6 months to dealing with them every day. They were coming through the courts every day: ***Interview 3: Judicial Administrator, 62 – 67.***	**Commonalities** • Stakeholders agree that Covid has led to a notable increase of pseudolaw. **Differences** • Stakeholders perceive the motivations behind the acceleration of pseudolaw differently. Some attribute it to fear and desperation, while others highlight ideological factors such as white supremacy or racist beliefs.
2. Forms of Proceedings			
2.1 Criminal	Pseudolaw is more prevalent in criminal proceedings in the Magistrates Court than the higher courts.	probably more criminal and a lot of these stem, the current matters that are in the system, are not voting at the election, COVID offences, things like that: ***Interview 2: Judicial Administrator, 139 – 140.***	**Commonalities** • Stakeholders in the lower courts report a higher prevalence of pseudolaw in criminal proceedings than civil proceedings. **Differences** • Stakeholders in the higher courts report a higher prevalence of pseudolaw in civil proceedings than criminal proceedings.
2.2 Civil cases	Pseudolaw is more prevalent in civil proceedings in the higher courts, such as the Supreme Court and Court of Appeal.	less in crime. Although I wonder if maybe the Magistrates Courts see more of those. Most people who are charged with a crime that ends up in the Higher Courts are represented and if they have those views, we don't get to hear about them unless they have a falling out with their lawyers and then want to represent themselves. It is pretty rare in criminal matters but very common in civil: ***Interview 4: Judicial Officer, 84 – 88.***	**Commonalities** • Stakeholders in the higher courts report a higher prevalence of pseudolaw in civil proceedings than criminal proceedings. **Differences** • Stakeholders in the lower courts report a higher prevalence of pseudolaw in criminal proceedings than civil proceedings.
2.3 Judicial review	Pseudolaw is common in the judicial review jurisdiction of the Supreme Court.	One of the areas where surprisingly it's common is in judicial review. They are very keen on judicial review these people and they want to review everything even if it's not strictly speaking a reviewable decision. But gets them to the Supreme Court, and I could be wrong, but I don't think there's a filing fee the way there is for other matters, so I think that is a bit of a driver for it. ***Interview 4: Judicial Officer, 88 – 93.***	**Commonalities** • None observed. **Differences** • None observed.
3. Demographics			
3.1 General	Pseudolaw adherents are predominantly male and middle	on my list, I've got about 45 people that are problematic and have been problematic. We've had everybody from some of	**Commonalities**

	aged across all court jurisdictions. However, the socioeconomic groups of those adherents vary across those jurisdictions.	the national leaders, like Ricardo Bosi, at the Magistrates Court during COVID. He was charged at Adelaide airport with not complying and then appeared by telephone and had 10 of his followers show up to court to watch. He appeared by telephone and began to tear strips off the Magistrate: ***Interview 3: Judicial Administrator, 236 – 241.***	• Stakeholders agree that pseudolaw adherents are predominantly male and middle aged. **Differences** • Stakeholders in lower courts report greater prevalence of pseudolaw adherents from lower socioeconomic groups as compared to the higher courts where pseudolaw adherents can be from various socioeconomic groups, including well-educated people.
3.2 Gender	Pseudolaw adherents are predominantly male.	In my experience, it's mainly men – ***Interview 1: Judicial Officers, 410.***	**Commonalities** • Stakeholders agree that pseudolaw adherents are mostly male. **Differences** • Some stakeholders cannot recall a female pseudolaw adherent, whilst others have experienced female pseudolaw adherents.
3.3 Age	Pseudolaw adherents are often middle aged.	Usually sort of middle aged and you don't see many terribly very young people falling into that: ***Interview 4: Judicial Officer, 339 – 340.***	**Commonalities** • Stakeholders agree that pseudolaw adherents are typically middle aged, between the age of late 30s and 50s. **Differences** • None observed.
3.4 Socio-economic groups	The socio-economic group of pseudo law adherent appears to differ between jurisdictions.	It just doesn't seem to be a particular type of person. I can't see any particular socioeconomic groups associated with it. I suppose you have to have a certain level of literacy, but I am just thinking through the people I've dealt with. No, they've really come from across the board – some people who are quite well educated compared to others who have a pretty basic level of understanding of language in the law. No, I couldn't actually pinpoint: ***Interview 4: Judicial Officer, 323 – 328.***	**Commonalities** • Stakeholders in the lower courts agree that pseudolaw adherents are typically poorly educated and from a lower socioeconomic background. • Stakeholders in the higher courts agree that pseudolaw adherents come from varied socioeconomic groups. **Differences** • Stakeholders in the lower courts have a higher prevalence of pseudo law adherents from a lower socio-economic background as compared to the higher courts. • Stakeholders in the lower courts have a higher prevalence of lower educated people than the higher courts.
3.5 Geographic	Pseudolaw adherents are more likely to be from a regional part of	I would say the average would be a white male, not very well educated, often from a country region, in the age of something	**Commonalities**

	South Australia, particularly in the lower courts.	between late 30s and 50s or something in that sort of range: ***Interview 1: Judicial Officers, 430 – 432.***	• Stakeholders in the lower courts report greater prevalence of pseudolaw in regional areas, particularly Mount Barker, Mount Gambier and Murray Bridge. • Stakeholders agree that the prevalence of pseudolaw is not confined to South Australia or regional areas. **Differences** • Stakeholders in the higher courts do not report regional differences.[1]
4. Other Findings			
4.1 Intersection with Indigenous sovereignty arguments?	Pseudolaw adherents do not tend to be Aboriginal or Torres Strait Islander. However, there is some intersection between pseudolaw argumentation and Indigenous sovereignty arguments.	No, look at a lot of the, as you would know, a lot of the defendants particularly Port Augusta are Aboriginal, and I don't think, I just don't think they would be interested in running this sort of stuff: ***Interview 1: Judicial Officers, 446 – 448.*** I thought it was just, this man coming from his background as an Aboriginal person who has had a fairly classic experience of life, which is racism, dispossession, institutionalised abuse, and generational abuse and this was his response – well I reject white society and you can understand that. Looking back on it, he was actually using sovereign citizen rhetoric: ***Interview 6: Judicial Officer, 79 – 83.***	**Commonalities** • Stakeholders in the lower courts note no intersection between Aboriginal or Torres Strait Islander sovereignty arguments and pseudolaw. **Differences** • One stakeholder reports a particular matter involving the intersection between Indigenous sovereignty arguments and pseudolaw arguments.
4.2 Networks	There are networks of pseudolaw adherents in South Australia.	We are also noticing a bit of cross pollination between groups appearing. So, you'll see some of the same faces show up for other people as well. So clearly, they are communicating via social media and coordinating their activities: ***Interview 3: Judicial Administrator, 266 – 268.***	**Commonalities** • Stakeholders in all court jurisdictions report cross pollination between pseudolaw groups and that there are adherents who have support networks. **Differences** • None observed.

[1] Note: Supreme Court do not go on "circuit" or sit in regional areas – this is Magistrates and District only so this is probably why.

B. Causes of Pseudolaw

The second Table examines evidence from the interviews regarding possible factors that may be contributing to the rise of pseudolaw.

Table 34: Causes of Pseudolaw

Themes	Key Finding	Illustration	Commonalities & Differences in Stakeholder Views.
5. THE LEGAL SYSTEM ITSELF			
5.1 Cost of seeking justice and lack of funding for legal aid	The increased cost of seeking justice and lack of funding for legal aid has led to an increase in unrepresented individuals. This has led to some individuals advancing pseudolaw arguments to replace lawyers.	There is a really regrettable trend where there's a lot of time and therefore money spent on pretrial procedures. And by the time of trial, these people are then unrepresented because they have run out of money. Then you've got them trying to grapple with the issues. Now some people are at that end where we're just doing our best: ***Interview 4: Judicial Officer, 175 – 179.***	**Commonalities** • Stakeholders agree that the lack of funding for legal aid has led to an increase in unrepresented individuals. **Differences** • One stakeholder believes that it is not simply unrepresented litigants but a phenomenon where people are much more prepared to advance and try and exploit their legal rights.
5.2 Ease of accessing legal materials	The increased accessibility of legal materials and the ease of obtaining such materials, without requisite understanding, leads to increased numbers of pseudolaw argumentation.	There's a lot of them. But I think they are getting more numerous because of the ease at which people can access materials on the internet: ***Interview 4: Judicial Officer, 560 – 561.***	**Commonalities** • Stakeholders agree that increased accessibility to legal materials via the internet or social media means it is easier to find pseudolegal arguments. **Differences** • None observed.
5.3 Mystique of law	The perceived mystique of the law means more individuals use pseudolaw arguments.	Yes. I think there is also a mystique about the law. The law is very complex, and you have to use big words. So, somebody writes something that seems on the face of it, very legalistic, but it actually is nonsense to any lawyer: ***Interview 4: Judicial Officer, 699 – 701.***	**Commonalities** • None observed. **Differences** • Some stakeholders did not focus much attention on the mystique of law giving rise to more pseudolaw arguments.
6. THE INTERNET AND SOCIAL MEDIA			
6.1 The Internet and Social Media	The internet and social media have led to increased numbers of pseudolaw adherents and grown the networks by which those adherents can communicate.	The internet is such a seductive resource: ***Interview 5: Judicial Officer, 64.*** Social media is just making it get worse: ***Interview 3: Judicial Administrator, 652.***	**Commonalities** • Stakeholders agree that the internet and social media has increased numbers of pseudolaw adherents in the courts. **Differences** • None observed.

7. COVID			
7.1 Covid	The Covid-19 pandemic led to higher numbers of pseudolaw adherents in the courts.	The whole sovereign citizen thing really became a huge problem during COVID and sort of in the months leading up to COVID. The whole Trump thing did not help either. I kind of blame Trump and COVID combined: ***Interview 6: Judicial Officer, 96 – 98.***	**Commonalities** • Stakeholders agree that the Covid-19 pandemic was a major event where pseudolaw became more rampant. **Differences** • Some stakeholders, particularly in the lower courts, observed a higher number of increases during Covid-19.

2. THE PERFORMANCE OF PSEUDOLAW

The following two tables correspond to the short-form Table 6 and Table 7 in the section '*The Performance of Pseudolaw.*' This section seeks to examine how pseudolaw manifests in the judicial system (both registry and court rooms), to understand the forms of argumentation that are used, the actions and conduct of adherents, and the way pseudolaw is 'performed'.

A. Manifestation of Pseudolaw

The Third table in this Appendix draws together material examining the ways in which pseudolaw manifests itself in South Australian courts - including in forms of language used, the types of arguments proffered, and the participants in the proceedings.

Table 35: Manifestation of Pseudolaw

Themes	Key Finding	Illustration	Commonalities & Differences in Stakeholder Views.
8. PSEUDOLAW TROPES			
8.1 Archaic and obscure legal instruments	Pseudolaw adherents use archaic and obscure legal instruments to articulate and support their arguments.	tends to be similar in the sense that it's referring to obscure, if they even exist, very obscure, ancient pieces of legislation or common law that likely where articulated, if they were ever articulated, or in a context that has nothing to do with what you are dealing with now. But it's a set of words that sounds good for the circumstances: ***Interview 1: Judicial Officers, 295 – 299.***	**Commonalities** • Stakeholders often cited archaic and obscure legal instruments when talking about pseduolaw. The most common being the Magna Carta. **Differences** • Some stakeholders cited different types of archaic instruments.
8.2 Templates and Scripts	Manifestations of pseudolaw often involve templates and/or scripts.	same sort of template that everyone's using: ***Interview 2: Judicial Administrator, 14 – 15.*** a lot of them have the same signatures: ***Interview 2: Judicial Administrator, 25.***	**Commonalities** • Stakeholders agreed that manifestations of pseudolaw often involve templates or scripts and reported hearing the same type of script or template. **Differences** • The stakeholder in registry highlighted the fact that electronic filings have the same signatures and letterheads.
8.3 Anti-government	Manifestations of pseudolaw often centre around a deep mistrust of government and legal systems.	just anything to do with government, regulation, they are railing against. People don't pay your council rates, council rates are illegal. Mortgages are illegal, you shouldn't pay your mortgage. We got a few of those at the moment. I've got one guy who hasn't paid his mortgage in 8 months because he's	**Commonalities** • Stakeholders agreed that manifestations of pseudolaw often centre around a deep mistrust of government and legal systems. **Differences**

		decided paying his mortgage is illegal: ***Interview 3: Judicial Administrator, 622 – 626.***	• There were differences in the types of anti-government behaviour; for example, specific Covid regulations like the mask-wearing mandate and QR check-ins to broader concepts such as council rates and mortgages.
8.4 No consent	Manifestations of pseudolaw frequently involve assertions that the court has no jurisdiction.	they will move on to a series of assertions that the court has no jurisdiction. But they don't put it quite like this, because the court has no jurisdiction over them, because there's no contract between the court; they don't consent to the court having any jurisdiction and they will often refer back to what they believe to be common law coming out of England I think from years ago: ***Interview 1: Judicial Officers, 27 – 31.***	**Commonalities** • Most stakeholders discussed how pseudolaw often involves assertions that the court has no jurisdiction. **Differences** • Some stakeholders did not specifically mention this type of manifestation.
8.5 Strawman	Manifestations of pseudolaw often involve strawman arguments.	the classic pattern is the blood and bone type argument: ***Interview 5: Judicial Officer, 144.***	**Commonalities** • Stakeholders referred to the strawman argument as being used by some pseudolaw adherents. **Differences** • Some stakeholders reported more instances of the strawman arguments as opposed to others. Stakeholders in the higher courts appeared to report more of a pattern of strawman arguments than those in the lower courts.
8.6 Illegitimate State	Pseudolaw adherents often view the state as illegitimate, relying on sources like the Australia Acts, United Nations and conspiracy theories about the Commonwealth of Australia. Their courtroom behaviour also reflects this belief, as they refuse to comply with standard procedures and challenge judicial and court staff authorities.	is refusing to comply with just the normal standards of behaviour that we require when you come to court. And they will identify by saying "we don't comply", "we don't recognise your authority", that's the main one. You're not police officers, sheriff's officers, judges, magistrates. We do not recognise their authority. One of the things we persistently see when they come into the courtroom is they want to know the judges or the magistrates authorities. And why they're able to preside over their matter: ***Interview 3: Judicial Administrator, 89 – 92.***	**Commonalities** • Stakeholders referred to illegitimate state arguments as a manifestation of pseudolaw. **Differences** • None observed.
8.7 Paperwork	Manifestations of pseudolaw almost always involve voluminous filings and lots of paperwork.	The first indicator is always the voluminous filings. Enormous quantities of documents and pleadings and then trying to work out what the issues are from those pleadings is almost impossible … Very keen on paperwork, very keen: ***Interview 4: Judicial Officer, 221 – 223; 238.***	**Commonalities** • Stakeholders including both judiciary and court staff referred to the voluminous filings and paperwork as a key manifestation of pseudolaw. **Differences** • None observed.
9. DISTINCT TYPES OF PSEUDOLAW LITIGANTS			

9.1 Types of Litigants: (1) Genuine but confused; (2) Mercenaries; (3) Ideologues	Pseudolaw adherents can be categorised into groups: (1) genuine self-represented litigants who mistakenly adopt pseudolaw arguments, (2) individuals who cynically use pseudolaw to evade legal responsibilities without believing in it, and (3) true believers who fully embrace the ideology and live outside societal norms. The latter two groups are particularly challenging to deal with, as they either exploit the system or become increasingly aggressive when faced with legal consequences.	I think there are 3 different groups that I see. (1) One group who are genuine self-represented litigants who cannot afford a lawyer and go on the internet to see if they can find out what to do next or what arguments they should be running or how should I draft this argument and they stumble across this sovereign citizen stuff and they don't know that it is rubbish. They can't tell the difference between law and pseudo law and I've had a couple like that and you can redirect them. You can say be careful what you see on the internet because it's not always right. Secondly, the reason this argument won't work is … and you can reason with them and you can steer them away from it. So that's the first lot. (2) The second lot of people are the ones who, they do not believe any of it but they use it to avoid their legal responsibilities. And again, and I think they have stumbled across it on the internet, obviously I have no idea how they found it. The genuine ones tell me they found it on the internet. And I say well, look maybe don't do that. These ones, they don't tell me how they got these arguments but my own impression having now dealt with many of them, they don't believe any of it they are just trying to avoid their legal responsibilities, and it's just an easier way to deal with it. (3) The third category is the true sovereign citizen who have bought into the whole thing. … the true believer. And in terms of how you deal with them, the second and third categories, it doesn't really matter which one they are, they are just as hard to deal with. Although, the middle category aren't threatening whereas the real ones can be very threatening: ***Interview 6: Judicial Officer, 100 – 123.***	**Commonalities** • Some stakeholders, including both judiciary and court staff, place pseudolaw adherents into categories based on how they manifest in court. **Differences** • Some stakeholders do not categorise pseudolaw adherents based on how they manifest in court (or did not talk about categorisation in their interview).
10. Proceedings			
10.1 Proceedings generally	The primary focus for pseudolaw adherents is not the procedural aspects of the legal process but rather using any means to challenge or oppose legal actions.	It really, in a sense, the procedural vehicle is not important, it is about getting before the court to challenge or oppose what it is that is happening to the litigant: ***Interview 5: Judicial Officer, 131 – 132.***	**Commonalities** • Some stakeholders focussed on the fact that pseudolaw adherents do not prefer a particular legal process but just prefer to use any means to challenge legal actions. **Differences**

			• Some stakeholders, particularly in the lower courts, found that certain types of offences attracted more pseudolaw arguments, such as traffic offences.
10.2 Different emphasis between civil and criminal proceedings	Pseudolaw manifests differently in civil and criminal proceedings. In civil proceedings, it is about "fighting against the state" and in criminal proceedings it is about "fighting for personal rights".	It varies depending on the type of matter. In the criminal jurisdiction, it's things, like I've got a right to bear arms, firearms charge or this court, 's got no jurisdiction over me - then you get into most of the sovereign citizen arguments, contractual basis or whatever the jargon is of that week, or I won't respond in answer to my bail until you agree to pay my invoice and those kinds of matters. In the civil jurisdiction, it is more about people trying to enforce perceived rights that they have researched, and they feel hard done by because of some particular thing that's happened and so they then have recourse to what they think are their rights having gone to the Internet research various things. So, it's that, "I'm fighting against this state" is mostly the criminal stuff and "I'm fighting for my rights" which is more than civil: ***Interview 4: Judicial Officer, 65 – 74.***	**Commonalities** • One stakeholder particularly focussed on the differences between the manifestation of pseudolaw in civil and criminal proceedings. **Differences** • Other stakeholders did not discuss this distinction.
11. Usually unrepresented but repeat players			
11.1 Usually unrepresented but repeat players	Most pseudolaw adherents are unrepresented and sometimes are repeat players.	He was unrepresented as they all are, most of the time: ***Interview 3: Judicial Administrator, 37 – 38.*** They tend be serial if they get a taste for it and then you will see them a lot: ***Interview 4: Judicial Officer, 304 – 305.***	**Commonalities** • Stakeholders agreed that most pseudolaw adherents are unrepresented and sometimes are repeat players. **Differences** • None observed.
12. Gurus			

12.1 Gurus	Gurus play a pivotal role in the spread of pseudolaw, acting as key influencers who provide scripts and guidance to followers.	And there are others, there is a guy on social media, out of I think Victoria, who really spruces himself as someone who can help these people when they come to court. He's appeared here for a South Australian matter as well. I saw him walk through and recognised his face, took a minute and was like "oh, that's the guy from social media". And he is assisting a gentleman who is coming through this court at the moment for drug trafficking. That whole sovereign thing: ***Interview 3: Judicial Administrator, 518 – 523.***	**Commonalities**
			• Stakeholders agreed that gurus play a pivotal role in the spread of pseudolaw.
			Differences
			• Stakeholders perceive or encounter gurus differently:
			  ○ Some discuss specific gurus who spread pseudolaw locally.
			  ○ Some discuss specific gurus from interstate who spread pseudolaw nationally.
			  ○ Some discuss gurus as having a less active role, where pseudolaw adherents are being provided with information possibly via the internet or social media.

13. Role of Lawyers			
13.1 Role of Lawyers	Lawyers (in South Australia, a particular lawyer) sometimes play a role in pseudolaw by attracting pseudolaw adherents. These lawyers maintain professional credentials while blurring the line between genuine legal practice and opportunistic exploitation.	I don't know if this lawyer was a believer as such or whether he was just utilising this as a business opportunity for himself: ***Interview 3: Judicial Administrator, 512 – 513.***	**Commonalities** • Stakeholders identify lawyers as individuals who can facilitate pseudolaw arguments. • Some stakeholders identified a particular lawyer who gained prominence in South Australia by representing individuals with pseudolaw beliefs. • Stakeholders identified the varying degrees of involvement lawyers have in promoting pseudolaw – some actively champion the arguments while others may view it as a business opportunity. **Differences** • Stakeholders had different reactions and responses to lawyers acting for pseudolaw adherents, ranging from scrutiny to potential disciplinary actions.
14. Distinctions from vexatious litigants			
14.1 Distinctions from vexatious litigants	Pseudolaw manifests differently to vexatious litigants but sometimes it is difficult to draw a line.	it's very difficult to distinguish between the advocates of pseudo law and vexatious litigants more generally. I recognise that there is a difference, and the difference can be found in the features that often accompany the advocates of pseudo law such as the references to the Magna Carta or the Australia Acts and so forth. But there is no bright line I don't think: ***Interview 5: Judicial Officer, 27 – 31.***	**Commonalities** • Stakeholders recognise the similarities and overlaps between pseudolaw adherents and vexatious litigants. • Specific features of pseudolaw like references to historical documents are noted as common to pseudolaw but do not always provide a definitive boundary. **Differences** • None observed.

B. Performance of Pseudolaw

The Fourth table in this Appendix draws together material examining the 'performance' of pseudolaw, recognising the almost ritualistic, or perhaps theatrical, nature of the way in which pseudolaw appears in proceedings.

Table 36: The Performance of Pseudolaw

Themes	Key Finding	Illustration	Commonalities & Differences in Stakeholder Views.
15. SCRIPTS			
15.1 Scripts	Pseudolaw adherents use scripts in court proceedings.	They will come a lot of them and have this confidence what they are preaching, their argument, it's like they've studied this script and they come to court and then they just reel it off. They have this confidence: ***Interview 3: Judicial Administrator, 667 – 669.***	**Commonalities** • Stakeholders reported that pseudolaw adherents often exhibit confidence and rehearsed arguments in court, suggesting they have studied scripts to present their case. • Some stakeholders recognised that not all pseudolaw adherents are well-educated which affects how they deliver the arguments they have scripted. **Differences** • Some stakeholders focussed on the rehearsal of arguments whilst others focussed on the fact that most pseudolaw adherents simply read out a script with perhaps a lack of rehearsal.
16. Performance			
16.1 Bringing supporters to watch	Pseudolaw adherents often bring supporters to watch them in court.	This woman I'm talking about always has a cheer squad. Mr. X always has a cheer squad, which was interesting too because it was peak COVID. He had about 30 people with him, and I could only allow 4 in because of social distancing so that was interesting. It was a good start to the proceedings. That's when I got the first inkling it was not a normal civil claim: ***Interview 4: Judicial Officer, 346 – 350.***	**Commonalities** • Stakeholders reported that pseudolaw litigants often bring a substantial number of supporters to court hearings. **Differences** • Stakeholders reported differences in how the supporters acted in court. Some stakeholders found that the supporters observe court proceedings quietly without causing disruption, suggesting they are there to show solidarity rather than disrupt proceedings. Other stakeholders found that the supporters did

			disrupt proceedings by engaging in organised actions and attempting to illegally record proceedings.
16.2 As a means to intimidate	Some pseudolaw adherents, particularly those who are 'true believers', deliberately perform disruptively to disrupt the judiciary and other court staff.	They vary from folks that are some of those frightened ones looking for simple solution. Then there are the more insidious, sinister element to it. There are folks who are wanting to take on authority in a more open and overt way, to gain notoriety, to show that the movement is legitimate and that they have a power. So, they will deliberately come to court to disrupt court, to disrupt us and the judiciary: ***Interview 3: Judicial Administrator, 179 – 183.***	**Commonalities** • Some stakeholders, across both higher and lower courts, found that pseudolaw adherents deliberately perform disruptively to disrupt the judiciary and other court staff. **Differences** • Some stakeholders, particularly at the highest level of court jurisdiction, appeared to report less of intimidation as a tactic used to disrupt judicial officers.
16.3 Genuinely believe they are in the right	Some pseudolaw adherents perform as though they genuinely believe their arguments or submissions are the correct position.	Yeah, there's probably a bit of that. But I think there is a difference because they're not you know they're not cases were fighting over sheep stations as they say. I think they really want to present what they now believe to be the law and that this whole establishment that has been constructed really you know isn't serving the purpose of what it's supposed to be doing: ***Interview 1: Judicial Officers, 385 – 389.***	**Commonalities** • Some stakeholders found that some pseudolaw adherents genuinely believed that they are in the right and believe their arguments. **Differences** • Some stakeholders did not report interactions with "true believers".
17. Demeanour – assertive, aggressive, threatening			
17.1 Demeanour – assertive, aggressive, threatening	Pseudolaw adherents are often aggressive, assertive and threatening.	They come in, they're very aggressive in the way they carry themselves. They are very abrupt. They take an attitude that we are the enemy and that they need to be prepared for some sort of combat: ***Interview 3: Judicial Administrator, 291 – 293.*** we copped a lot of threats, especially during COVID. A lot of this – "you're going to be put in front of a tribunal" and "you're going to be hung from the trees in Victoria Square": ***Interview 3: Judicial Administrator, 326 – 328.***	**Commonalities** • Stakeholders agreed that pseudolaw adherents are often aggressive, engaging in shouting and yelling. • Stakeholders, particularly those in the 'front-line', reported higher numbers of aggression. • Some stakeholders reported personal threats. **Differences** • Some stakeholders did not report personally being threatened by the behaviour.

3. THE IMPACT OF PSEUDOLAW

The following tables correspond to the short-form Table 8 in the section '*The Impact of Pseudolaw.*' This section seeks to understand the impact of pseudolaw – both on the participants in litigation and on the broader judicial system

Table 37: The Impact of Pseudolaw

Themes	Key Finding	Illustration	Commonalities & Differences in Stakeholder Views.
18. IMPACT ON THE ADMINISTRATION OF JUSTICE			
18.1 Impact on the administration of justice generally	Pseudolaw is recognised as a top concern for those working in the court system.	JM: within the judicial review jurisdiction, is it this a top 5 concern? Supreme Court Judicial Officer: yes, absolutely: ***Interview 4: Judicial Officer, 642 – 645.***	**Commonalities** • Stakeholders agreed that pseudolaw was a concern. **Differences** • None observed.
18.2 Time spent dealing with pseudolaw	Pseudolaw impacts the administration of justice by taking up an enormous amount of time and resources.	it's enormously time consuming. Dealing with these cases at every stage is far more time consuming than a properly represented case: ***Interview 4: Judicial Officer, 404 – 405.*** just a waste of people's time, resources: ***Interview 2: Judicial Administrator, 122.*** The problem is the interlocutory stage lasts 10x as long as it should: ***Interview 6: Judicial Officer, 21 – 22.***	**Commonalities** • Stakeholders agreed that pseudolaw impacts the administration of justice by taking up an enormous amount of time and resources. **Differences** • Stakeholders reported different types of methods used by pseudolaw adherents that use significant time and resources: ○ Correspondence; ○ Delays in pre-trial hearings; ○ Delays in trials; ○ Delays in interlocutory stages; ○ Delays in court proceedings; ○ Delays in reading filed materials.
18.3 Cost spent dealing with pseudolaw	Pseudolaw impacts the administration of justice by costing the courts significant sums of money.	they are costing us thousands and thousands of dollars in legal fees for nonsense: ***Interview 2: Judicial Administrator, 190 – 191.*** Yes, it does put a big strain on us, operationally and we are dealing with the normal criminality when people come to court and then having to deal with these guys on top who deliberate come to disrupt the courts is becoming quite	**Commonalities** • Stakeholders agreed that pseudolaw impacts the administration of justice by costing the courts significant sums of money. **Differences** • Stakeholders reported different types of costs: ○ Requiring extra staff; ○ Requiring representation by the Crown Solicitor's Office;

		problematic: ***Interview 3: Judicial Administrator, 562 – 564.*** It's terrible on the other side. Because most of the litigants on the other side are represented and it costs them the most, an eye-watering amount of money to deal with this: ***Interview 6: Judicial Officer, 31- 33.***	○ Requiring the other side to pay more legal fees due to voluminous filings and prolonged court matters.
18.4 Judicial officers assisting unrepresented litigants	Pseudolaw impacts the administration of justice as pseudolaw adherents are usually unrepresented meaning judicial officers have an obligation to assist.	And because they are usually unrepresented, as a magistrate we have an obligation to provide a degree of assistance to the unrepresented defendant so for example, the prosecutions presenting its case, a speeding case, they have a whole lot of documents that they want to rely on to prove their case and actually calling witnesses sometimes and as the trial magistrate, you would be you would be obliged to at least advise the unrepresented defendant that they have a right to object to the tender of documents: ***Interview 1: Judicial Officers, 502 – 507.***	**Commonalities** • Some stakeholders, particularly in the lower courts, reported more time being spent assisting pseudolaw litigants as they are often unrepresented. **Differences** • Some stakeholders, particularly in the highest court jurisdiction, did not report additional assistance.
18.5 Impact on the rest of the justice system	Pseudolaw impacts the justice system as it slows court processes such as judgment writing.	One of things that makes me angry about it is that it is we have a terrible problem to access to justice as it is, but this is compounding it: ***Interview 6: Judicial Officer, 463 – 464.*** My judgment writing time has blown out from 8 weeks – 12/14 weeks because you have to write a judgment. You can't just say get out of my court room because then they appeal for lack of procedural fairness and not given proper reasons and they'd win, they'd get up. So you know, but then trying to write a judgment, that addresses these issues it's like trying to grab a fish in the water, you can't get hold of it and it takes so long: ***Interview 6: Judicial Officer, 127 – 132.*** I do think it is slowing things down: ***Interview 4: Judicial Officer, 453.***	**Commonalities** • Stakeholders, particularly those who deal with pseudolaw more regularly, reported significant delays in court processes like judgment writing. **Differences** • Stakeholders who do not deal with pseudolaw as regularly as others reported pseudolaw slowing things down, but not to the same extent as above.
19. Impact on the Society			
19.1 Impact on society	Pseudolaw adversely impacts society in general.	there's the issue of I guess broader public disruption of services and that sort of thing. The people who refuse to pay their council rates and their EWS levy and their emergency services levy and all the rest of it does actually have an impact on the rest of the community because our council	**Commonalities** • None observed. **Differences**

		rates and all of that goes to actually enforcement against these people and filling the gaps that are made when these people don't pay. It does have a broader effect: ***Interview 6: Judicial Officer, 585 – 590.***	• One stakeholder discussed the impact that pseudolaw has on society in general. This was not outlined by others.
20. Impact on the Litigant			
20.1 Often there is a real issue underlying the pseudolegal submissions	Pseudolaw adherents often have a genuine legal issue that is masked by nonsensical pseudo legal arguments.	I think, generally, invariably, there is a genuine issue that the unrepresented litigant needs to try and oppose and in setting up the array of arguments that the litigant does, most times, not always, they are being genuinely put forward even though they are legal nonsense: ***Interview 5: Judicial Officer, 173 – 176.***	**Commonalities** • Stakeholders who were judicial officers recognised that sometimes there is a legal issue that is masked by pseudolegal submissions. **Differences** • None observed.
20.2 Impact on the litigant	Pseudolaw adversely impacts litigants who rely on pseudo legal arguments.	they can quite often end up with a worse outcome than if they had just come to court. [discussing traffic offences]: ***Interview 1: Judicial Officers, 520 – 521.***	**Commonalities** • Stakeholders, particularly in the lower court jurisdictions, reported that pseudolaw adversely impacts litigants who rely on such arguments and often leads to worse outcomes. This was particularly noted with respect to traffic offences. **Differences** Some stakeholders did not report on this topic.
21. Personal impact on those working in courts			
21.1 Emotional distress	Pseudolegal arguments can create significant emotional distress on those working in the courts. This can complicate the administration of justice.	When I said it was ruining my life, I was only half joking. I have had days recently when I have walked out of court at the end of the day and thought that's it, I'm done. Like, I mean forever, not just for today. It's that bad: ***Interview 6: Judicial Officer, 27 – 29.*** We are at the front-line in a way that a Justice, who is just hearing trials, is not. The Magistrates cop it big time: ***Interview 6: Judicial Officer, 206 – 207.*** I'm concerned about work health and safety issues that staff are having to receive these and deal with them: ***Interview 2: Judicial Administrator, 394 – 395.***	**Commonalities** • Stakeholders, particularly those dealing with pseudolaw more regularly, report significant emotional distress both personally and express concerns for their staff. **Differences** • Stakeholders who do not deal with pseudolaw as regularly do not report pseudolaw as having a significant emotional effect. This tends to be in the higher courts. • However, stakeholders in the Magistrates Court did not report emotional distress despite dealing with pseudolaw more regularly than the higher courts.
21.2 Intimidation and threat of violence	The intimidation and threat of violence used by some pseudolaw adherents can profoundly impact court staff and the judiciary. This	I moved house at the beginning of 2023 and took myself off the electoral roll. I use a post office box because I mean I have had actual threats as well. I have had another one tell me that he knows where I live and that he knows who my	**Commonalities** • Stakeholders, particularly those dealing with pseudolaw more regularly, report intimidation and threats made against them.

	undermines their safety and wellbeing.	family are. And at that point we were about to move house and I thought right, that's it: ***Interview 6: Judicial Officer, 415 – 419.*** We have had SAPOL involved in a number of these. we've had threats and we refer them on to SAPOL. We've had email threats, in writing: ***Interview 3: Judicial Administrator, 345 – 346.*** it is an issue, and it is a particular issue because we typically do not have Sheriff's in civil matters. There is no resourcing for it: ***Interview 4: Judicial Officer, 503 – 504.***	• Some stakeholders reported specific instances of a particular threats made. **Differences** • Some stakeholders, both in the lower courts and higher courts, did not report threatening behaviour. They did, however, recognise that threats had been made to other judicial staff. • Some stakeholders perhaps took pseudolaw threats less seriously until something happened, whilst others who personally experienced such threats took pseudolaw more seriously from the outset.

4. THE RESPONSES TO PSEUDOLAW

The following table correspond to the short-form Table 9 in the section '*The Responses to Pseudolaw.*' This section seeks to to understand the ways in which judges and judicial administrators are developing systematic responses to ameliorate any potential impacts of pseudolaw

Table 38: Responses to Pseudolaw

Themes	Key Finding	Illustration	Commonalities & Differences in Stakeholder Views.
22. Potential Responses of Individual Judicial Officers			
22.1 Engaging may not be productive, but helpful to understand the 'real' issue	Some judges, particularly in the higher courts, find it helpful to discover the genuine or 'real' legal issue to respond effectively to pseudolaw.	And my own experience has been that the more interested you are in trying to get to the bottom of what is going is, the better the hearing is: ***Interview 5: Judicial Officer, 170 – 171.***	**Commonalities** • All stakeholders recognise the challenge of engaging with pseudolaw. They suggest that attempts to engage in reasoned dialogue or argumentation sometimes prove unproductive due to the adherence to preconceived beliefs. • There is shared sentiment about the need for caution when handling pseudolaw cases. Judges should avoid being drawn into arguments or debates that may derail proceedings. • Despite challenges, all stakeholders who are judicial officers indicate a genuine interest in understanding the underlying issues beneath pseudolaw arguments. There is a desire to uncover any legitimate concerns or grievances buried within the pseudolaw rhetoric. **Differences** • Some stakeholders suggest that attempting to engage with pseudolaw adherents is generally unproductive and unlikely to change their views. In contrast, some stakeholders suggest a more nuanced approach where engagement, if approached carefully and with the goal of understanding, may lead to positive outcomes such as considering alternatives like mediation or legal representation. • Some stakeholders identified specific proactive steps taken such as arranging pro bono assistance or suggesting mediation. This contrasts with other

			stakeholders who have a more sceptical view of the effectiveness of engagement. • One stakeholder, in the higher court jurisdiction, particularly emphasises the Judge's role in assisting pseudolaw litigants to present their case effectively and explore potential solutions. •
22.2 Shut them down – using summary offences act or stating clear authority	Some judges, particularly in the lower courts, respond to pseudolaw adherents by halting their arguments and relying on authorities (legislative or case).	And I frankly didn't let him go terribly much further than that because I interrupted him at that stage and said Mr so and so I am familiar with the issues that you're about to raise. They've been considered by the courts in SA and elsewhere. They're not part of the law, that doesn't give you a defence and so I didn't really let him say terribly much: ***Interview 1: Judicial Officers, 158 – 161.***	**Commonalities** • Some stakeholders use legislation or case authority to halt pseudolaw adherents before they have articulated their entire argument. This is shared between Magistrates and Sheriff's Officers. **Differences** Some stakeholders are more lenient in their approach by allowing pseudolaw adherents to express their arguments more fully before gently addressing the legal issues to reduce hostility. In contrast, some stakeholders are quick to interrupt and assert legal principles to manage hostility.
22.3 Let them talk and point out inconsistencies, or stop when disruptive/aggressive	Some judges respond to pseudolaw adherents by allowing them to put forward their argument but adjourn the court when litigants become aggressive or disruptive.	all the Magistrates and Judges that I've seen will give those folks the ability to put forward their argument, no-one is just randomly done for contempt, everyone is given fair treatment from what I have seen: ***Interview 3: Sheriff's Office, 712 – 714.*** You just let them go because if you try and stop them, you suddenly get all this other stuff, so you just wait for them to run out, you wind them up and they eventually run down and then you go thank you very much, any reply: ***Interview 6: Judicial Officer, 478 – 480.***	**Commonalities** • It is common for stakeholders to recognise the importance of giving pseudolaw adherents ample opportunity to present their arguments. • There is a shared approach in managing disruptive behaviour during proceedings. Stakeholders recognise the importance of being initially patient and tolerant but intervening when behaviour escalates to a disruptive or aggressive level. Adjournments are often used to manage hostilities. **Differences** • Stakeholders employ a range of strategies to diffuse confrontational situations: ○ Require acknowledgment of court jurisdiction before proceeding with arguments ○ Patient and restraint, allowing adherents to exhaust irrelevant arguments naturally before redirecting or adjourning proceedings

			Some stakeholders allow pseudolaw adherents to calm down or exhaust their arguments whilst others adjourn the court when behaviour escalates.
22.4 Use inherent powers of the court more	Some court staff and judicial officers think that inherent powers of the court ought to be employed more often to respond effectively to pseudolaw.	I think we just need to be a bit more robust about the inherent power and the avenues available to the Court to be able to deal with these cases, including triaging them earlier when they are likely to be without merit and try and deal with them efficiently so we try to pick them out of the call over list that we have every fortnight, set them down relatively soon after the call over, if not at the call over, and argue out the case and deal with it with ex tempore reasons, if we can: ***Interview 5: Judicial Officer, 344 – 350.***	**Commonalities** • Stakeholders advocate for a more assertive use of court's inherent powers to respond to pseudolaw. They suggest that current practices may be inadequate and call for more frequent and confident application of these powers to address disruptive or meritless cases effectively. • Stakeholders share the idea that current legislative frameworks or interpretations may hinder the effective use of inherent powers. **Differences** • Stakeholders, particularly in the lower courts, appear more reluctant to use the court's inherent powers due to the risk of the case succeeding on appeal. Some stakeholders focus on legislative reform whilst others focus on dealing with the matters in court through existing frameworks.
23. Need for Further Systemic Responses			
23.1 Need a systemic response	Some court staff wish for responses to pseudolaw to be implemented systemically as opposed to individually.	I think it is very hard for an individual judge to do anything particularly effective. It's got to be the whole system taking that approach: ***Interview 6: Judicial Officer, 555 – 557.***	**Commonalities** • Stakeholders all acknowledge the systemic challenges in dealing with pseudolaw. There is an understanding that current processes and procedures may not adequately address or handle pseudolaw issues. • There is a shared belief in the importance of legal education. For instance, improving legal education and legal literacy among the general public may be crucial to combating pseudolaw and promoting better understandings of the legal system. • There is consensus **Differences** • Some stakeholders suggest that court registries are also victims of the challenges posed by pseudolaw, indicating their limitations in addressing these issues. This perspective differs from other stakeholders,

			which focus more on legal education and systemic reforms. • Some stakeholders emphasise the limitations individual judges face in addressing pseudolaw effectively. • Some stakeholders, particularly in the lower court jurisdictions, place more emphasis on appellate courts empowering individuals Judges dealing with pseudolaw more regularly. This constrasts with other stakeholders who emphasise the need for systemic changes across the legal system.
23.2 Responses have been slow to develop	The responses to pseudolaw in South Australia have been slow to develop.	we are not advanced or sophisticated in that. It's again I think it's probably the sort of increase, that has caught us off guard. As I said, we knew of the handful of people, you can say names and every Wednesday. But now…: ***Interview 2: Judicial Administrator, 283 – 285.***	**Commonalities** • Stakeholders, particularly those dealing with pseudolaw more regularly, strongly suggest that South Australia has been slow to develop responses to pseudolaw. **Differences** • Some stakeholders refer to resourcing as the reasoning why responses have not developed. Some stakeholders refer to the hierarchical structure of the courts as the reason why responses have not developed.
24. Potential Responses at Institutional Level			
24.1 Restrictions at the Registry level	The registry responds to pseudolaw by restricting the ways in which litigants can correspond with registry.	I've taken the position, with a couple of people, that I've written to them and said we will be receiving your emails, we will not be responding, you're asking the same things over and over again, you're including people that are not party to this matter like the Premier and High Court, and that if this continues, this level of threats and abuse, we will restrict your ability to only correspond with us through Australia post. Because it's a lot harder to go to a mailbox than it is to press send: ***Interview 2: Judicial Administrator, 109 – 114.***	**Commonalities** • Stakeholders express concerns about the misuse or abuse of the court registry's communication channels. They highlight instances where individuals attempt to use these channels inappropriately, such as sending repetitive or threatening emails, or attempting to involve parties not relevant to the matter. • Stakeholders share ideas about implementing stricter controls or restrictions at the registry level to manage pseudolaw effectively. This includes measures like restricting communication methods to postal mail only for individuals who abuse electronic communication channels. **Differences** • One stakeholder indicates that specific actions have already been taken in response to abusive behaviour,

			such as notifying individuals of potential restrictions if the behaviour continues. This suggests a proactive approach already in place to address immediate concerns. In contrast, other stakeholders discuss the need for potential future action, acknowledging that while no specific measures have been implemented yet, there is growing recognition of the necessity to do so. • Some stakeholders discuss the resource limitations within the court registry, noting how different jurisdictions handle similar issues differently based on available resources. • Some stakeholders recognise technological solutions such as smart forms and electronic submissions as part of the online court system.
24.2 Treat like vexatious litigant	Some court staff and judicial officers think that pseudolaw adherents ought to be treated in a similar way to vexatious litigants.	We have vexatious litigant register where people that are being determined as being vexatious and can't lodge civil claims without leave of the court and I think we possibly need to look at implementing something similar for sovereign citizens: ***Interview 2: Judicial Administrator, 201 – 204.***	**Commonalities** • Stakeholders share the view that methods similar to those used for vexatious litigants, such as flagging individuals and assessing their status could be used to streamline court processes **Differences** • Some stakeholders focus on the implementation of a register similar to the vexatious litigant register, implying a legislative approach to restrict the ability of pseudolaw adherents to lodge claims without the court's permission. This focuses on formalising restrictions through legal mechanism. • Some stakeholders focus on the practical strategies within existing judicial processes. It suggests early assessment and intervention to differentiate individuals genuinely struggling with legal processes and those intent on using pseudolaw arguments. This emphasises practical management as opposed to new legislative frameworks. Some stakeholders focus on assessing individuals and where they are "on the spectrum" during pre-trial hearings. This suggests consideration of behavioural or cognitive factors in managing these cases.

24.3 Role of Sheriff's Officers	Sheriff's Officers play an important role in responding to pseudolaw due to their presence in court and warning staff about certain litigants before proceedings.	The Sheriff's Officers are pretty good. They share stuff and will warn you about what's about to come: ***Interview 1: Judicial Officers, 215 – 216.***	**Commonalities** • All stakeholders recognise the importance of Sheriff's Officers in proceedings as a response mechanism to pseudolaw. **Differences** None observed.
24.4Register of sovereign citizens	The Sheriff's Office implemented a registry in response to pseudolaw.	we keep a registry. Once they come to court and be problematic, and there is a repeated behaviour whenever they come to court. We keep our own registry, if you like, of problematic court users and these folks are on that list. The ones that come to court and cause issues: ***Interview 3: Sheriff's Office, 199 – 202.***	**Commonalities** • None observed. **Differences** Sheriff's Office proactively introduced a registry in response to pseudolaw. Other stakeholders have not implemented a registry.
24.5 Move cases to different places	Pseudolaw in regional courts are sometimes moved to the CBD in response to lower staff numbers in regional courts.	There was one gentleman who used to roll up and have 15 to 20 followers every date at Mount Barker Court. There were 2 sheriff's officers, so they just get overrun. His matters were transferred here to the city. He was not happy about that: ***Interview 3: Sheriff's Office, 383 – 386.***	**Commonalities** • The Magistrates Court, Sheriff's Office and Registry acknowledged the importance of moving pseudolaw matters to CBD locations to manage lower numbers of staff at regional locations. **Differences** Some stakeholders did not recognise this as a response mechanism.
24.6 Role of education	Educating both the judiciary and court staff is important to improving the responses to pseudolaw.	I think, as I said, we are looking at sort of some education and awareness for our registrars to have better strategies to deal with them: ***Interview 2: Judicial Administrator, 481 – 482.*** I tried to get a working group together in the courts in Adelaide, so District, Magistrate and Supreme to come up with some agreed strategies in dealing with these people. And, of course, because you know it is such a hierarchical thing, it had to be chaired by a Supreme Court Judge and the Judge was not interested because it was not their problem. So it went nowhere: ***Interview 6: Judicial Officer, 229 – 233.***	**Commonalities** • Most stakeholders recognise the importance of educating court staff about strategies to respond to pseudolaw both nationally and internationally. **Differences** One stakeholder attempted to take proactive measures to educate the judiciary but due to court hierarchies there was significant push back and the measure was not implemented.
25. Broader Social Reforms			
25.1 Better Engagement with Politics	Court staff, particularly registry and sheriff's officers, respond to	with the sovereign citizens, our advice from SAPOL is just to not engage. We forward those on, and so this is another thing, when they start to get sort of threatening, we forward those to the Sheriff. They then send them on to SAPOL, sort of	**Commonalities** • There is a shared practice of forwarding threatening communications or concerns related to pseudolaw adherents to law enforcement agencies, specifically

	pseudolaw by informing SAPOL.	intelligence unit: ***Interview 2: Judicial Administrator, 118 – 121.***	Sheriff's Office and SAPOL. This reflects a collaborative effort. • There is mutual understanding of the importance of gathering and sharing intelligence about pseudolaw adherents. **Differences** • None observed.
25.2 Psychology Support	The psychology of pseudolaw adherents should be considered when implementing responses.	I don't know how you would frame that because these people like to be victims and they like to see themselves as victims of the big system and if you set up a system just for them, I'm not sure how that would play it. It would worry me a bit: ***Interview 4: Judicial Officer, 594 – 597.***	**Commonalities** • Some stakeholders shared the view that implementing a registry or special list for pseudolaw adherents may worsen the problem due to pseudolaw adherents viewing themselves as victims. **Differences** None observed.
25.3 Legal aid may not help	Some judicial staff argue that improvements to legal aid will not assist in responding to pseudolaw.	My response to that was that legal aid will not help these litigants. They will oppose. And being told what the true legal position is not really what these litigants want. They want to oppose and whether it is coming up with pseudo legal arguments or just denying, I'm not sure that it helps the system: ***Interview 5: Judicial Officer, 232 – 236.***	**Commonalities** • None observed. **Differences** • One stakeholder argued that improving legal aid would not help the pseudolaw litigants. This contrasts with other stakeholders who found that improving legal aid would help some (albeit not all) litigants.