

Fact sheet – Nazi symbol prohibition

New criminal offence commences on 29 December 2022

This fact sheet is about the new laws criminalising the public display of Nazi symbols that **commence on 29 December 2022**.

Background

The Victorian Government's new laws to criminalise the public display of Nazi symbols will commence on 29 December 2022. The *Summary Offences Amendment (Nazi Symbol Prohibition) Act 2022* (the Act) creates a new summary offence for intentionally displaying a Nazi symbol (also known as a Hakenkreuz) in public.

The offence sends a clear message that Victoria does not tolerate the display of these symbols in connection with Nazi ideology. Such public displays cause harm to members of the Victorian community.

There are several exceptions in the new laws that recognise the cultural and historical significance of the swastika for the Buddhist, Hindu, Jain, and other faith communities. For these communities, the swastika is an ancient and sacred symbol of peace and good fortune. The offence does not prohibit the display of the swastika (which may be mistaken for the Nazi Hakenkreuz) for cultural and religious purposes. The offence also does not prohibit the display of the Hakenkreuz for genuine educational, scientific or artistic purposes.

Further information on the new offence is provided below.

1. What is the offence of public display of Nazi symbols?

The offence provides that a person commits a criminal offence if they:

- intentionally display a symbol of Nazi ideology in a public place or in public view, and
- know, or ought to have reasonably known, that the symbol is a symbol of Nazi ideology.

There are several exceptions to the offence, including where the display is made reasonably and in good faith for genuine academic, religious, artistic, or educational purposes.

2. What is the penalty for committing the offence?

A person who commits an offence could face:

- a fine of approximately \$22,000 or 120 penalty units
- 12 months' imprisonment, or
- both.

3. What Nazi symbols are banned?

The offence applies to public displays of the Hakenkreuz (more widely known as the Nazi symbol). Symbols that closely resemble the Hakenkreuz are also banned.

The Hakenkreuz is the most widely recognised symbol associated with Nazi ideology and is the most common symbol used to incite hatred towards members of the Victorian community.

4. Is the public display of the religious and cultural swastika banned?

The offence does not ban the public display of the swastika for genuine religious or cultural purposes.

The Victorian Government recognises the cultural and historical significance of the swastika for the Buddhist, Hindu, Jain, and other faith communities as an ancient and sacred symbol of peace and good fortune.



The Government will deliver a community education campaign to:

- raise awareness of the origins of the religious and cultural swastika
- recognise its importance to the Buddhist, Hindu and Jain communities, and
- explain its distinction from the Hakenkreuz.

5. Is display of Nazi symbols permitted in any circumstances?

The offence targets the public display of Nazi symbols in our community to convey messages of hate and intolerance. There are therefore several exceptions to the offence, recognising that Nazi symbols may be displayed for genuine purposes.

A person will not commit an offence if they display a Nazi symbol reasonably and in good faith:

- for a genuine academic, artistic, religious or scientific purpose
- for a genuine cultural or educational purpose
- in making or publishing a fair and accurate report of any event or matter of public interest, or
- in opposition to Nazism or related ideologies.

Nazi symbol tattoos are also not covered by the ban.

6. What if I am unsure about whether I can display a Nazi symbol?

Individuals and organisations should seek independent legal advice if they are unsure about whether a proposed public display of a Nazi symbol is permitted.

Victoria Legal Aid provides free legal advice to individuals on a range of matters. Contact them via their website at www.legalaid.vic.gov.au/contact-us.

You can also get free information about the law from Victoria Legal Aid's Legal Help phone line on 1300 792 387. The phone line is available from Monday to Friday between 8 am and 6 pm.

The Law Institute of Victoria (LIV) Legal Referral Service can be accessed by individuals and organisations. The LIV Legal Referral Service can assist in locating a specialist solicitor to provide independent legal advice.

The LIV Legal Referral Service can be accessed via www.liv.asn.au/referral or on (03) 9607 9550. Initial consultations are free of charge.

7. What powers does Victoria police have to enforce the offence?

Police can charge a person who is suspected of having committed the offence of publicly displaying a Nazi symbol.

Police can also:

- direct a person to remove a Nazi symbol from public view if they reasonably believe the person is committing an offence
- direct the owner or occupier of a property where a Nazi symbol is displayed to remove the symbol from public view
- charge a person who fails to remove a Nazi symbol from public view following a direction. The fine is approximately \$1,800 or 10 penalty units.

This ensures further harm is not caused by a continued public display of a Nazi symbol.



8. How do I contact Victoria Police?

If you want to report the display of a Nazi symbol to police, please contact your local police station or call Crime Stoppers on 1800 333 000. If the report is in relation to an immediate risk, please call Triple Zero (000).