

# About the Nazi symbol ban

## Key information on the new legislation

From 29 December 2022, it will be a criminal offence to intentionally display the Nazi Hakenkreuz symbol in public.

Hindu, Buddhist, Jain, and other faith communities can still publicly display the sacred Swastika for genuine cultural or religious purposes.

### Why the Nazi Hakenkreuz symbol is being banned

The Nazi Hakenkreuz symbol is the most widely known Nazi Symbol.

The Nazi Hakenkreuz symbol was used by the Nazi party and the Third Reich in Germany during the early 20th century.

Hakenkreuz means twisted or hooked cross in German, and became a symbol of the Nazi party. The Nazi party committed heinous crimes against humanity, particularly against Jewish people. To this day some people, including neo-Nazi groups, still use the Nazi Hakenkreuz symbol to intimidate, incite hatred and spread messages of antisemitism, and intolerance towards the Jewish community and other groups.

Nazi symbols represent an ideology that is fundamentally incompatible with Victoria's multicultural, multi-faith and democratic society. Displaying them can be harmful, hence the ban.

### What is the new law?

The law is called the *Summary Offences Amendment (Nazi Symbol Prohibition) Act 2022*.

Under this law, it is a criminal offence to intentionally display the Nazi Hakenkreuz symbol if:

- you know, or you ought to have reasonably known, that the symbol is a symbol of Nazi ideology
- you display it in a public place or public view
- your display does not fall in one of the exceptions.

### Can I use the Swastika as part of my culture or religion?

The law recognises that the Swastika is an ancient and sacred symbol of peace and good fortune for the Buddhist, Hindu, Jain, and other faith communities.

It is not against the law to publicly display the Swastika (which may be mistaken for the Nazi Hakenkreuz symbol) for genuine cultural or religious purposes.

### Examples of religious and cultural uses of the Swastika

**Faith communities use the Swastika at entrances of homes, in businesses, temples and in the community, while conducting religious rituals, and during cultural events and celebrations.**

Examples of possible genuine religious and cultural purposes permitted under the law include:

- a person of Jain faith draws a Swastika on a person's new vehicle as a symbol of good fortune
- a person of Buddhist faith displays a sculpture of Buddha with a Swastika on the chest, as a symbol of auspiciousness, at a Buddhist temple
- a member of the Hindu community wears a T-shirt in public with a Swastika on the front as a symbol of peace.

### Acceptable uses of the Nazi Hakenkreuz symbol

It is not against the law to display the Nazi Hakenkreuz symbol for genuine educational, scientific, academic, or artistic purposes.

An example of possible genuine educational purposes permitted under the law is a bookshop displaying an educational textbook on World War II, which has a Nazi Hakenkreuz symbol on the cover.

## How does the law work?

Police can charge a person who is suspected of intentionally displaying the Nazi Hakenkreuz symbol in public, where the display does not fall within one of the exceptions.

A person who is found guilty of the offence could face a fine of approximately \$22,000 or 120 penalty units, 12 months' imprisonment, or both.

Police can also direct a person to remove the Nazi Hakenkreuz symbol from public view.

A person who fails to remove a Nazi symbol from public view following a direction can be charged with an offence. If guilty, they can be fined \$1,800 or 10 penalty units.

### What does it mean to 'publicly display' the Nazi Hakenkreuz symbol?

This refers to displaying a Nazi Hakenkreuz symbol in a public place or where someone in a public place can see it.

## Why was this law created?

The law makes it a criminal offence to publicly display the Nazi Hakenkreuz symbol. This prevents the symbol being used to harm Jewish community and other groups in Victoria.

The purpose of the law is **not** to ban the use of the Swastika for genuine cultural or religious purposes by the Hindu, Buddhist, Jain, and other faith communities.

## Victoria Police and the Nazi symbol ban

### Will police approach me if I display the sacred Swastika?

It is unlikely that police will speak with members from the community about the display of a sacred Swastika.

## Where can I find more information?

Learn more about the legislation below:

- Victorian Government fact sheet ([www.vic.gov.au/fact-sheet-nazi-symbol-prohibition](http://www.vic.gov.au/fact-sheet-nazi-symbol-prohibition))
- Summary Offences Amendment (Nazi Symbol Prohibition) Act 2022 ([www.legislation.vic.gov.au/as-made/acts/summary-offences-amendment-nazi-symbol-prohibition-act-2022](http://www.legislation.vic.gov.au/as-made/acts/summary-offences-amendment-nazi-symbol-prohibition-act-2022))
- Second Reading Speech (<https://tinyurl.com/bdvayfb9>)

If this does occur, they will be looking to confirm the display is for genuine religious and cultural use which is permitted by the new law.

Victoria Police has developed guidance for its members regarding the new law. This guidance highlights that the new offences are only intended to apply to displays associated with the Nazi ideology. If Victoria Police receive a complaint that someone might be breaking the law, they may investigate.

If Victoria Police members are unsure whether a person has broken the law, they will seek guidance from an operational supervisor within Victoria Police.

Victoria Police may also speak to the person who made the report, to explain that there are exceptions to the ban and that some people may be displaying the Swastika for genuine cultural and religious reasons.

### Who can give me legal advice about displaying the Swastika?

You can get advice or find a lawyer through the services listed below.

- Victoria Legal Aid provides free legal advice to individuals on a range of matters. Visit the Victoria Legal Aid website ([www.legalaid.vic.gov.au/contact-us](http://www.legalaid.vic.gov.au/contact-us)) or call on 1300 792 387 (Monday to Friday, 8.00 AM – 6.00 PM). Phone help is available in languages other than English - visit Speak to us in your language ([www.legalaid.vic.gov.au/speak-us-your-language](http://www.legalaid.vic.gov.au/speak-us-your-language)) to find out more.
- The Law Institute of Victoria (LIV) Legal Referral Service can help you find the right lawyer. Visit Find Your Lawyer Referral Service ([www.liv.asn.au/Web/Content/For\\_the\\_Public/Referral/Referral\\_Search.aspx](http://www.liv.asn.au/Web/Content/For_the_Public/Referral/Referral_Search.aspx)) online or call 9607 9550 (Monday to Friday, 9.00 AM – 5.00 PM).