



The ban on Nazi symbols and gestures in Victoria

From 29 December 2022, it is an offence to intentionally display a Nazi symbol in public or public view. Other symbols used by the Nazi party and its associated paramilitary arms are also banned. The Hakenkreuz or the Nazi swastika is the most widely recognised symbol. Symbols that closely resemble these are also banned.

From 21 October 2023, it is also an offence to perform a Nazi gesture in public or in public view. This includes the Nazi salute.

There are very serious penalties for intentionally displaying or performing a Nazi symbol or gesture in public or in public view. These can include large fines and imprisonment.

The law does not ban the display of the Nazi symbol and gestures for genuine educational, scientific or artistic purposes.

When is it against the law?

It is an [offence](#) to intentionally display a Nazi symbol or intentionally perform a Nazi gesture:

- in a public place
- or in public view

if you knew, or should have known, it is a Nazi symbol or gesture.

This means that police have to prove that you knew, or should have known, that the symbol was a Nazi symbol or gesture. They also have to prove that you meant to display the symbol or perform the gesture publicly.

What is the penalty?

If you are found guilty of committing either of these offences, you could face a maximum penalty of:

- a fine of approximately \$23,000 or 120 penalty units
- 12 months imprisonment
- or both a fine/penalty units and imprisonment.

When can the symbol be displayed?

The Hakenkreuz and the Nazi salute are the most widely recognised symbol and gesture used by the Nazi Party. Other symbols used by the Nazi party, and its associated paramilitary arms, are also banned. This includes symbols closely resembling the Nazi symbol.

The law does not ban the following uses of the Nazi symbol:

- the public display of the symbol for genuine religious or cultural purposes, such as its use as a significant symbol in Buddhist, Hindu, Jain, and other faith communities
- the use of the symbol for genuine academic, artistic, religious or scientific purposes
- using the symbol while making or publishing a fair and accurate report which is in the public interest
- use of the symbol in opposition to neo-Nazism or other related ideologies.

You are not breaking the law if you have a tattoo of a Nazi symbol.

When can the gesture be performed?

The law does not ban the following uses of the Nazi gesture:

- the use of the symbol for genuine academic, artistic, religious or scientific purposes
- where a person performs the Nazi salute within a theatre performance
- where a teacher shows a film in which the SS symbol can be seen as part of a history class.
- use of the gesture in opposition to neo-Nazism or other related ideologies.

The law only covers Nazi symbols or gestures that are visible in a public place and not online.

What can the police do?

Police can charge you if they suspect you have committed the offence of publicly displaying a Nazi symbol or performing a Nazi gesture.

Police can also tell you or an owner or occupier of a property to remove a Nazi symbol from public view, if they reasonably believe you are committing an offence

If you do not follow the direction of the police, they may charge you with failing to follow a police direction to remove a Nazi symbol or gesture from public view. This can result in a fine of approximately \$1,900 or 10 penalty units.

Other support and information

Find out how you can get [other support for going to court](https://www.legallaid.vic.gov.au/other-support-going-court) <https://www.legallaid.vic.gov.au/other-support-going-court>.

The Victorian government has also prepared a [fact sheet](https://www.vic.gov.au/fact-sheet-nazi-symbol-prohibition) <https://www.vic.gov.au/fact-sheet-nazi-symbol-prohibition> about the new laws criminalising the public display of Nazi symbols.

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