

TASMANIA

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**POLICE OFFENCES AMENDMENT (NAZI  
SYMBOL PROHIBITION) BILL 2023**

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# **POLICE OFFENCES AMENDMENT (NAZI SYMBOL PROHIBITION) BILL 2023**

*(Brought in by the Minister for Justice, the Honourable Elise  
Nicole Archer)*

## **A BILL FOR**

### **An Act to amend the *Police Offences Act 1935***

Be it enacted by Her Excellency the Governor of Tasmania, by  
and with the advice and consent of the Legislative Council and  
House of Assembly, in Parliament assembled, as follows:

#### **1. Short title**

This Act may be cited as the *Police Offences  
Amendment (Nazi Symbol Prohibition) Act 2023*.

#### **2. Commencement**

This Act commences on a day to be proclaimed.

#### **3. Principal Act**

In this Act, the *Police Offences Act 1935*\* is  
referred to as the Principal Act.

#### **4. Section 6C inserted**

After section 6B of the Principal Act, the  
following section is inserted in Division I:

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\*No. 44 of 1935

**6C. Display of Nazi symbols prohibited, &c.**

- (1) A person must not, by a public act and without a legitimate public purpose, display a Nazi symbol if the person knows, or reasonably ought to know, that the symbol is a Nazi symbol.

Penalty: In the case of –

- (a) an offence to which paragraph (b) does not apply – a fine not exceeding 20 penalty units or imprisonment for a term not exceeding 3 months; or
- (b) an offence committed within 6 months after the person is convicted of committing an offence against this subsection – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 6 months.
- (2) For the purposes of subsection (1), the display of a swastika in connection with Buddhism, Hinduism or Jainism does not constitute the display of a Nazi symbol.
- (3) For the purposes of subsection (1), the display of a Nazi symbol for a legitimate public purpose includes where the symbol –

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- (a) is displayed reasonably and in good faith for a genuine academic, artistic, religious, scientific, cultural, educational, legal or law enforcement purpose; or
- (b) is displayed on an object, or contained in a document, that is produced for a genuine academic, artistic, religious, scientific, cultural, educational, legal or law enforcement purpose; or
- (c) is included in the making or publishing of a fair and accurate report, of any event or matter, that is in the public interest; or
- (d) is displayed or another purpose that is in the public interest –

but does not include a display, of a Nazi symbol, that is not in the public interest.

- (4) If a police officer has reasonable grounds to believe that a person is contravening, or has contravened, subsection (1), the police officer may, using such force, means and assistance as is reasonably necessary, do any one or more of the following:

- (a) detain that person and search the person, including any clothing of the person or any object in the possession of the person;

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- (b) stop and detain any vehicle in or on which the person is, or was when subsection (1) was being contravened, and search the vehicle and any object found in or on the vehicle;
  - (c) search any premises in which the person is, or was when subsection (1) was being contravened;
  - (d) seize any object, found during a search under this subsection, that the police officer is of the opinion is an object that displays a Nazi symbol.
- (5) On conviction of a person of an offence against subsection (1), any object to which the offence relates that is lawfully in the possession of the Crown is forfeited to the Crown.

(6) In this section –

*Nazi symbol* means a symbol associated with the Nazis or with Nazi ideology;

*public act* includes –

- (a) any form of communication to the public; and

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- (b) any conduct observable by the public; and
- (c) the distribution or dissemination of any matter to the public.

**5. Repeal**

This Act is repealed on the first anniversary of the day on which it commenced.