

TASMANIA

JUSTICE MISCELLANEOUS (PROHIBITED SYMBOLS AND PROTECTION OF WORSHIP) BILL 2026

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**JUSTICE MISCELLANEOUS (PROHIBITED
SYMBOLS AND PROTECTION OF WORSHIP)
BILL 2026**

*(Brought in by the Minister for Justice, Corrections and
Rehabilitation, the Honourable Guy Barnett)*

A BILL FOR

**An Act to amend the *Criminal Code* and 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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Justice
Miscellaneous (Prohibited Symbols and
Protection of Worship) Act 2026*.

2. Commencement

This Act commences on the day on which this
Act receives the Royal Assent.

3. Repeal of Act

This Act is repealed on the first anniversary of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

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Part 2 – Criminal Code Act 1924 Amended

PART 2 – CRIMINAL CODE ACT 1924 AMENDED

4. Principal Act

In this Part, the *Criminal Code Act 1924** is referred to as the Principal Act.

5. Section 121 substituted

Section 121 of the Principal Act is repealed and the following sections are substituted:

121. Disturbing religious assembly

(1) In this section –

religious assembly means a gathering of people for the purpose of –

- (a) religious worship; or
- (b) spiritual or religious practice; or
- (c) spiritual or religious education; or
- (d) a spiritual or religious ceremony, celebration or other event.

(2) A person who, without reasonable excuse, engages in conduct that intentionally disturbs a religious assembly is guilty of a crime.

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Charge: Disturbing religious assembly.

- (3) A person who, without reasonable excuse, intentionally engages in conduct that obstructs, intimidates, menaces or harasses a person –
- (a) arriving at or leaving from a place where a religious assembly –
 - (i) is being held; or
 - (ii) is about to be held; or
 - (iii) has just finished; or
 - (b) who is assembled with other persons inside, outside or near premises or a location where a religious assembly is being held –
 - (i) before the religious assembly commences; or
 - (ii) after the religious assembly has finished –

is guilty of a crime.

Charge: Disturbing persons in relation to religious assembly.

121A. Interfering with place of worship

- (1) In this section –

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Part 2 – Criminal Code Act 1924 Amended

deface, in relation to a place of worship, means that any defacement of the place is not readily removable by wiping with a dry cloth;

interfere, with a place of worship, includes –

- (a) to destroy, damage, move, mark or otherwise deface the place of worship or part of the place of worship; and
- (b) to otherwise deal with the place of worship in a manner, or in circumstances, that the person knows, or ought reasonably to be expected to know, is likely to cause offence to a reasonable person;

place of worship includes –

- (a) a church, temple, mosque, synagogue or gurdwara that is owned by, or on behalf of, the relevant religious faith, denomination, society or order; and

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- (b) any other place used as a place of worship by members of a religious faith, denomination, society or order; and
 - (c) any place while that place is being used for worship by a group of members of a religious faith, denomination, society or order.
- (2) A person who interferes with a place of worship is guilty of a crime.
- Charge: Interference with a place of worship.

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Part 3 – Police Offences Act 1935 Amended

PART 3 – POLICE OFFENCES ACT 1935 AMENDED

6. Principal Act

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

7. Section 6C substituted

Section 6C of the Principal Act is repealed and the following section is substituted:

6C. Display of certain symbols prohibited, &c.

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

Penalty: In the case of –

- (a) an offence to which paragraph (b) of this penalty provision does not apply – a fine not exceeding 20 penalty units or imprisonment for a term not exceeding 3 months; or
- (b) a second or subsequent offence committed by the

*No. 44 of 1935

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person within a 6-month period – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 6 months.

- (2) For the avoidance of doubt, the display of a swastika in connection with Buddhism, Hinduism or Jainism does not constitute the display of a prohibited symbol for the purposes of subsection (1).
- (3) For the purposes of subsection (1), the display of a prohibited symbol for a legitimate public purpose includes where the symbol –
 - (a) is displayed reasonably and in good faith for a genuine academic, artistic, religious, scientific, cultural, educational, legal or law enforcement purpose; and
 - (b) is displayed reasonably and in good faith for the purpose of opposing, or demonstrating against –
 - (i) if the prohibited symbol is a Nazi symbol – fascism, Nazism, neo-Nazism or any other similar or

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related ideology or belief;
or

(ii) if the prohibited symbol is
a symbol of a recognised
hate group –

(A) the prohibited hate
group, within the
meaning of Part
5.3B of Chapter 5
of the *Criminal
Code* of the
Commonwealth,
to which the
symbol relates; or

(B) the related
ideologies or
beliefs of that
prohibited hate
group; or

(iii) if the prohibited symbol is
a symbol of a state
sponsor of terrorism –

(A) the state sponsor
of terrorism,
within the
meaning of Part
5.3A of Chapter 5
of the *Criminal
Code* of the
Commonwealth,

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- to which the
symbol relates; or
- (B) the related
ideologies or
beliefs of that state
sponsor of
terrorism; or
- (iv) if the prohibited symbol is
a symbol of a terrorist
organisation –
- (A) the listed terrorist
organisation,
within the
meaning of Part
5.3 of Chapter 5 of
the *Criminal Code*
of the
Commonwealth,
to which the
symbol relates; or
- (B) the related
ideologies or
beliefs of that
listed terrorist
organisation; and
- (c) is displayed on an object, or
contained in a document, that is
produced for a genuine academic,
artistic, religious, scientific,

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cultural, educational, legal or law enforcement purpose; and

- (d) is included in the making or publishing of a fair and accurate report, of an event or matter, that is in the public interest including, but not limited to, a media report; and
 - (e) is displayed for another purpose that is in the public interest.
- (4) It is a defence in proceedings for an offence under subsection (1) if the defendant proves that the prohibited symbol to which the offence relates has been permanently tattooed or marked on, or permanently affixed to, the person's body by means of a body modification procedure within the meaning of section 35A.
- (5) If a police officer has reasonable grounds to believe that a person is contravening, or has contravened, subsection (1), the police officer may, in addition to any other action the officer may take under any other Act –
- (a) direct the person to remove the relevant prohibited symbol from display; or
 - (b) in a conspicuous place on the object, or on the property, on

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which the relevant prohibited symbol is displayed, affix a written direction to remove the prohibited symbol from display if –

- (i) it is not reasonable in the circumstances for the police officer to give a direction to the person under paragraph (a); or
 - (ii) the police officer is unable to ascertain which person is responsible for the display of the prohibited symbol.
- (6) A person to whom a direction is given under subsection (5)(a), or on whose object or property a written direction is affixed in accordance with subsection (5)(b), must not fail to comply, without reasonable excuse, with the direction within the period specified in the direction.

Penalty: Fine not exceeding 10 penalty units.

- (7) If a police officer has reasonable grounds to believe that a person has failed to comply with a direction as required under subsection (6), the police officer, using such force, means and assistance as

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is reasonably necessary, may do any one or more of the following:

- (a) detain and search that person, including any clothing on the person and any object or clothing in the possession of the person;
- (b) stop and detain any vehicle –
 - (i) in respect of which the direction was given; or
 - (ii) that the police officer believes, on reasonable grounds, contains an object in respect of which the direction was given; or
 - (iii) in, or on, which the person is or was at the time at which the direction was given;
- (c) search a vehicle referred to in paragraph (b) and any object found in or on such a vehicle;
- (d) search any premises –
 - (i) in respect of which the direction was given; or
 - (ii) in, or on, which the person is or was located at

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the time at which the
direction was given;

- (e) seize any object, found during a search under this subsection, that in the police officer's opinion is an object that is, or displays, a prohibited symbol.
- (8) In any proceedings for an offence against this section, particulars in a complaint in respect of the offence that state –
 - (a) that a symbol is a prohibited symbol are, in the absence of evidence to the contrary, *prima facie* evidence that the symbol is a prohibited symbol; and
 - (b) that a public act was without a legitimate public purpose are, in the absence of evidence to the contrary, *prima facie* evidence that the act was without a legitimate public purpose.
- (9) 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.
- (10) In this section –

Nazi symbol includes –

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- (a) a symbol associated with the Nazis or with Nazi ideology; and
- (b) a depiction, or recording, of a Nazi gesture within the meaning of section 6D;

prohibited symbol includes –

- (a) a Nazi symbol; and
- (b) a symbol of a recognised hate group; and
- (c) a symbol of a state sponsor of terrorism; and
- (d) a symbol of a terrorist organisation; and
- (e) a symbol, depiction or recording that so nearly resembles a symbol referred to in paragraph (a), (b), (c) or (d) that it is likely to be confused with, or mistaken for, such a symbol;

public act, in relation to the display of a prohibited symbol, includes –

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- (a) any form of communication of the symbol to the public; and
 - (b) the placement of the symbol in a location observable by the public; and
 - (c) the distribution or dissemination of the symbol, or of an object containing the symbol, to the public;

symbol of a recognised hate group
means a symbol that is –

- (a) associated with a prohibited hate group within the meaning of Part 5.3B of Chapter 5 of the *Criminal Code* of the Commonwealth; or
- (b) used to identify, or recognise, members of –
 - (i) such a prohibited hate group; or
 - (ii) a specified part of such a prohibited hate group;

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symbol of a state sponsor of terrorism

means a symbol that is –

- (a) associated with a state sponsor of terrorism within the meaning of Part 5.3A of Chapter 5 of the *Criminal Code* of the Commonwealth; or
- (b) used to identify, or recognise, members of –
 - (i) such a state sponsor of terrorism; or
 - (ii) a specified part of such a state sponsor of terrorism;

symbol of a terrorist organisation

means a symbol that is –

- (a) associated with a listed terrorist organisation within the meaning of Part 5.3 of Chapter 5 of the *Criminal Code* of the Commonwealth; or
- (b) used to identify, or recognise, members of –

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- (i) such a listed terrorist organisation; or
- (ii) a specified part of such a listed terrorist organisation.

8. Section 13 amended (Public annoyance)

Section 13 of the Principal Act is amended as follows:

- (a) by omitting subsection (3);
- (b) by omitting from subsection (3AA) “subsection (1), (2), (2A), (2B), (2C) or (3)” and substituting “subsection (1), (2), (2A), (2B) or (2C)”;
- (c) by omitting from subsection (3AA)(a) “or (3)”;
- (d) by omitting from subsection (3B) “subsection (1), (2), (2A), (2B), (2C) or (3)” and substituting “subsection (1), (2), (2A), (2B) or (2C)”;
- (e) by omitting from subsection (3C) “subsection (1), (2), (2A), (2B), (2C) or (3)” and substituting “subsection (1), (2), (2A), (2B) or (2C)”;
- (f) by omitting from subsection (3D)(b)(i) “subsection (1), (2), (2A), (2B), (2C) or

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(3)” and substituting “subsection (1), (2), (2A), (2B) or (2C)”.

9. Part II, Division VIII inserted

After section 34B of the Principal Act, the following Division is inserted in Part II:

Division VIII – Offences relating to places of worship

34C. Interpretation of Division

In this Division –

place of worship has the same meaning as in section 121A of the *Criminal Code*;

religious assembly has the same meaning as in section 121 of the *Criminal Code*.

34D. Disturbance of religious assembly

- (1) A person must not, without reasonable excuse, engage in conduct that intentionally disturbs a religious assembly.

Penalty: In the case of –

- (a) an offence to which paragraph (b) of this penalty provision does not apply – a fine not

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- exceeding 20 penalty units or imprisonment for a term not exceeding 3 months; or
- (b) a second or subsequent offence under this section committed by the person within a 6-month period – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 6 months.
- (2) A person must not, without reasonable excuse, intentionally engage in conduct that obstructs, intimidates, menaces or harasses a person –
- (a) arriving at or leaving from a place where a religious assembly –
- (i) is being held; or
- (ii) is about to be held; or
- (iii) has just finished; or
- (b) who is assembled with other persons inside, outside or near premises or a location where a religious assembly is being held –
- (i) before the religious assembly commences; or

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- (ii) after the religious assembly has finished.

Penalty: In the case of –

- (a) an offence to which paragraph (b) of this penalty provision does not apply – a fine not exceeding 20 penalty units or imprisonment for a term not exceeding 3 months; or
- (b) a second or subsequent offence under this section committed by the person within a 6-month period – a fine not exceeding 40 penalty units or imprisonment for a term not exceeding 6 months.

34E. Interference with places of worship

- (1) A person must not interfere with a place of worship.

Penalty: In the case of –

- (a) an offence to which paragraph (b) of this penalty provision does not apply – a fine not exceeding 20 penalty

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units or imprisonment for
a term not exceeding 3
months; or

- (b) a second or subsequent
offence committed by the
person within a 6-month
period – a fine not
exceeding 40 penalty
units or imprisonment for
a term not exceeding 6
months.

(2) In this section –

interfere, with a place of worship,
includes –

- (a) to destroy, damage, move or
mark the place of worship or part
of the place of worship; and
- (b) to mark graffiti on all, or part, of
the place of worship; and
- (c) otherwise deal with the place of
worship in a way that is likely to
cause offence to a reasonable
person.

10. Section 58A amended (Power to search for liquor)

Section 58A(1) of the Principal Act is amended
by omitting “section 13(1), (2), (2A), (2B), (2C)

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or (3)” and substituting “section 13(1), (2), (2A),
(2B) or (2C)”.