

# **Kirpan Authorisation (Amendment) Bill**

Private Member's Bill

## **Explanatory note**

### **General policy statement**

This bill seeks to provide greater freedom of religion and expression regarding the Sikh religion in New Zealand. Although New Zealand made great progress regarding the Kirpan Authorization Act 2021 and their freedom to carry out fundamental tenets of their faith, the Act only covered Amritdhari Sikhs (baptised Sikhs). While a number of Sikhs do partake in Amrit, this is not all of Sikhs and many Sikhs may nonetheless seek to carry out the Panj Kakar (5 Ks) or at least some of them. This bill seeks to cover Sikhs who, while they may have not partaken in Amrit, are still religious Sikhs and take great belief in the meaning of the Panj Kakar and the commands of Sri Guru Gobind Singh Ji.

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause. The Bill comes into force the day after the date on which this Bill receives the Royal assent.

*Clause 3* states what the purpose of this Bill is.

*Clause 4* states that this Bill amends the Kirpan Authorisation Act 2021

*Clause 5* amends the Crimes Act 1961 to allow greater freedom of religion regarding fundamental tenets of the Sikh religion

*Clause 6* amends the Search and Surveillance Act 2012 to allow greater freedom of religion regarding fundamental tenets of the Sikh religion

*Clause 7* amends the Summary Offences Act 1981 to allow greater freedom of religion regarding fundamental tenets of the Sikh religion

## **Kirpan Authorisation (Amendment) Bill**

Member's Bill

**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Kirpan Authorisation (Amendment) Act **2022**.

**2 Commencement**

This Act comes into force the day after the date on which this Act receives the Royal assent.

**3 Purpose**

The purpose of this Act is to amend the Kirpan Authorisation Act 2021 to allow for more freedom of expression for one's faith

**4 Principal Act**

This Act amends the Kirpan Authorisation Act 2021 ("the principal Act").

**5 Section 4 amended**

(1) Section 4 is amended and the following substituted in its place:

**4 Section 202A amended (Possession of offensive weapons or disabling substances)**

In section 202A, after subsection (2), insert:

(2A) Despite subsections (1) and (2), in this section **offensive weapon** does not include a kirpan worn by a member of the Sikh religion for the purpose of complying with the requirements of that religion, if—

(a) the blade of the kirpan is blunt and no more than 10 cm in length; and

(b) the kirpan is completely covered, by clothing or otherwise; and

(c) the person wearing the kirpan is wearing all of the 4 other articles of faith required to be worn by a baptized Sikh (Amritdhari Sikh); that is, the kesh (uncut long hair tied up in a turban), the kanga (a small wooden comb), the kara (a steel or iron bracelet), and the kacchera (an undergarment) or otherwise identifies themselves as of the Sikh religion.

**6 Section 6 amended**

(1) Section 6 is amended and the following substituted in its place:

**6 Section 26 amended (Meaning of disabling substance and offensive weapon in this subpart)**

In section 26, replace the definition of offensive weapon with:

**offensive weapon** means any article made or altered to use for causing bodily injury, or intended for such use by the person who has it with him or her, but does not include a kirpan worn by a member of the Sikh religion for the purpose of complying with the requirements of that religion, if—

- (a) the blade of the kirpan is blunt and no more than 10 cm in length; and
- (b) the kirpan is completely covered, by clothing or otherwise; and
- (c) the person wearing the kirpan is wearing all of the 4 other articles of faith required to be worn by a baptized Sikh (Amritdhari Sikh); that is, the kesh (uncut long hair tied up in a turban), the kanga (a small wooden comb), the kara (a steel or iron bracelet), and the kacchera (an undergarment) or otherwise identifies themselves as of the Sikh religion.

**7 Section 8 amended**

(1) Section 8 is amended and the following substituted in its place:

**8 Section 13A amended (Possession of knives)**

In section 13A, after subsection (1), insert:

Without limiting the circumstances under subsection (1) in which a person may have a reasonable excuse, a person who is a member of the Sikh religion has a reasonable excuse if—

- (a) the knife is a kirpan worn by the person for the purpose of complying with the requirements of the Sikh religion; and
- (b) the blade of the kirpan is blunt and no more than 10 cm in length; and
- (c) the kirpan is completely covered, by clothing or otherwise; and
- (d) the person wearing the kirpan is wearing all of the 4 other articles of faith required to be worn by a baptized Sikh (Amritdhari Sikh); that is, the kesh (uncut long hair tied up in a turban), the kanga (a small wooden comb), the kara (a steel or iron bracelet), and the kacchera (an undergarment) or otherwise identifies themselves as of the Sikh religion.