

Police Powers and Responsibilities (Jack's Law) Amendment Bill 2022

Submission No: 15
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Publication:
Attachments:
Submitter Comments:

Sikh Nishkam Society of Australia

POLICE POWERS AND RESPONSIBILITIES (JACK'S LAW) AMENDMENT BILL 2022

Submission to Community Support and Services
Committee

1. Thank you for the opportunity to put forward a submission to the Parliamentary Committee's consideration of Police Powers and Responsibilities (Jack's Law) Amendment Bill 2022.
2. We understand the primary objective of the Bill is to improve community safety.
3. We further understand that the Bill aims to achieve this objective by amending the Police Powers and Responsibilities Act 2000 to:
 - extend the expiry date of the scanning provisions to 30 April 2025;
 - increase the scope of prescribed public areas for scanning to include all 15 safe night precincts and all public transport stations, including public transport vehicles; and
 - strengthen the criteria that a senior police officer must consider before approving the use of a hand held scanner device.

INTRODUCTION

4. Sikhs are observers of the Sikh religion. The Sikh religion being a monotheistic faith preaches a message of devotion and remembrance of God at all times, truthful living, equality of all mankind (including the equality of women), to social justice and denounces superstitions and blind rituals.
5. Sikhs in Australia are a highly integrated community participating in all facets of Australian society.
6. Sikhs have been in Australia for approximately 200 years. Initially coming over as part of the cameleers when camels were utilised as a means of transport across arid parts of Australia.
7. Sikhs travelled the countryside as countryside hawkers, later becoming small business owners and establishing themselves as landowners with a focus on farming.
8. Today Sikhs are successfully contributing to the Australian community through professions such as farmers, agricultural scientists, medicine, engineering, lawyers, civil servants, manufacturers, etc.
9. Further information on the Sikh Religion can be found in [Appendix A](#) of this submission.

39H SAFEGUARDS FOR EXERCISE OF POWERS.

10. We acknowledge the tragic loss of life of Jack Beasley and Raymond Harris to stabbing and the commitments of the parents and families to prevent this happening again.
11. We support the Bill's intention to improve community safety, and the extension and expansion of the trial to 15 SNPs across Queensland.

12. It is noted that the proposed amendments would have a direct impact on the initiated members of the Sikh community.
13. With regards to s 20 of the Human Rights Act 2019, the religious beliefs of initiated Sikhs has been mentioned.
14. The primary goal of the trial and the expansion of the trial is to detect and deter the unlawful possession of knives.
15. It must be noted that having a kirpan is not an unlawful possession of a knife in a public place – Weapons Act 1990 (Qld) S 51.
16. For the purposes of this Bill, the possession of a kirpan in a public place has not been fully addressed.
17. There is limited training/awareness for QPS officers in regard to religious beliefs (ref: QPS Operational Procedures Manual).
18. 39H safeguards for exercise of powers can be expanded to include the understanding of the kirpan as an article of faith for initiated Sikhs.
19. Critical concerns are that the searching officers and their senior officers exercising the use of the wand, may not be fully aware of S 51 of Weapons Act and this may result in unwarranted police action and confiscation of these articles of faith.
20. Unwarranted police action and confiscation of these articles of faith will be improper and cause unnecessary distress.
21. For an initiated Sikh to part with any of the five articles of faith is a breach of religious faith and counter to one's belief.
22. The committee is encouraged to consider the awareness of S 51 of the Weapons Act 1990 (Qld) for all QPS officers and their senior officers exercising the powers recommended in this Bill.
23. The committee is encouraged to recommend:
 - awareness training in particular to the lawful wearing of a kirpan in a public place; and
 - an independent review in 12 months from implementation of the Bill to review the effectiveness of these powers whilst collecting data of where, the person/s details and number and types of knives seized.
24. Thank you for the opportunity to enable us to put forward a submission to this Bill.

Kamaljit Kaur Athwal, Director, Sikh Nishkam Society of Australia

Appendix A

25. The Sikh religion is one of the five largest mainstream religions with over 24 million followers around the world. Sikhs have a very distinct and unique identity.
26. As part of the religion, it is mandatory for all Amritdhari (initiated) Sikhs to wear the five articles of faith at all times.
27. Five Mandatory Articles of Faith (to be worn at all times):
 1. Kesh – Unshorn hair (as a mark of living in harmony with the will of God);
 2. Kanga – Wooden Comb (kept in the unshorn hair, as an indication of cleanliness);
 3. Kara – Iron/steel band (worn on predominant wrist as a constant reminder to be noble and ethical in one’s thoughts and actions);
 4. Kirpan – Small sword like article (associated with the words Kirpa - Mercy and Aan - Honour. The kirpan upholds noble values and is a constant reminder of one’s duty to protect the weak and oppressed and exercise mercy and compassion); and
 5. Kashera – Short pants styled undergarment (encourages a culture of self-restraint, self-respect and respect for others).
28. The Sikh Turban (Dastar) is also a mandatory part of the religion. Neatly pleated and tied daily, the turban can be worn by both men and women. Worn to protect the unshorn hair on the head, the turban depicts nobility and saintliness. The turban is a unique part of the Sikh identity as it a mandatory requirement of the religion, to be worn at all times, and to be handled with the utmost respect.
29. To part with any of the five mandatory articles of faith and the Turban is a breach of religious faith and counter to one’s belief.
30. Sikhs are a law-abiding community and our belief that Sikh religious beliefs have minimal (if any) impact on the rights of non-Sikhs. They do not disadvantage or disrespect any part of society and the wider community.
31. A cornerstone of Sikh philosophy is the recognition of all other mainstream religions and non-believers/atheists as chosen spiritual/non-spiritual pathways. Accordingly, there is little in the Australian religious community that may give rise to differences between the Sikh religion and these other religions.