

Criminal Code (Defence of Dwellings and Other Premises - Castle Law) Amendment Bill 2024

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For the last few year Queenslanders have seen a huge increase in home invasions. Queensland Police have failed in their "service" to maintain law and order due to almost a complete lack of policing, whether is re-active or proactive. Their casual approach to maintaining community safety is quite apparent, as well as slow response to 000 call outs and crew availability. Police are leaving in droves because of poor policy and leadership. Police have also displayed a complete arrogance from time to time towards victims/ residents when they are confronted with anger from the community who are sick of the poor response, lack of response and their general attitude towards people who requested police in dire situation. The focus has slowly turned towards protecting criminals, specially juveniles, from the public who are NATURALLY sick to death of the rampant crime situation which has escalated in the last 3yrs. If police are happy to turn a blind eye to criminal activity, then they should be happy to turn a blind eye to residents use of excessive force when dealing with criminals on their property. However the public perception out there is that QPS can not be trusted to do the right thing with the community and that residents would prefer to attacked or simply give up their belongings because of the fear from QPS charging them because they defended themselves. A person has the right to defend themselves in their own home and while the QLD Criminal Code 267 Defence of dwelling, allows for a person to defend themselves but states "if the person using the force believes on reasonable grounds" and that " (b)it is necessary to use that force." This leaves the act open to interpretation by police and ultimately the courts. Now even if the resident is found not guilty, they are still given a huge financial burden to defend themselves (full court costs not being re-imbursed) which can also lead to a person pleading guilty to something in order to avoid a longer case and more legal costs. This of course leads to a mis-carriage of justice. Residents should be able to defend their family and property without repercussions by police and the court system.