

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

**Submission No:** 54  
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**Attachments:** No attachment

### Submitter Comments:

I wish to submit the following statement in relation to the Criminal Code (Defence of Dwellings and Other Premises - Castle Law) Amendment Bill 2024. Being a resident of QLD it is clearly evident from my personal experiences and well publicised facts that we have a problem with the crime rate and how it is currently managed. A few years ago a criminal who was well known to the justice system broke into my house. This occurred in the middle of the night whilst my wife and both my daughters were asleep. As a victim of a break and enter / home invasion crime I am fully aware that I was completely powerless due to existing laws pertaining to the use of force. The basic fact is the criminal holds all the power even though they have entered someone else's house unlawfully. It is the criminal that dictates the level of force that I am able to use and the force that I use is reactive in nature. I can only respond to the level of force presented by the criminal in a proportionate manner but it is completely reactive in nature meaning the criminal has the upper hand by determining the initial aggression. This I believe is completely immoral and unethical whereby a law abiding citizen is determined to have less powers than a criminal whilst in their own home. The basic fact is the existing laws relating to the Defence of Dwellings are putting homeowners at risk due to their inherent weaknesses and homeowners are paralysed to act due to the risks of being charged and going to jail themselves. Also as the legal system stands there is very little deterrence stopping criminals from committing break and enters or home invasions. The law is soft, the rewards can be significant and the risks (actions of the homeowner) are kept low by the law itself. Another fact I wish to raise is that due to my previous occupation I have some insight into the mindset of the everyday criminal. I am well aware that the vast majority of criminals are carrying weapons, in particular knives whilst committing break and enter / home invasion crimes. Many criminals are also affected by substances and have an altered mindset when committing these crimes. A criminal with an altered mindset, carrying weapons solely meant for violence, is capable of conducting the most heinous of crimes, especially those who are disturbed in the act of committing the crime. The fact is in QLD there is a significant problem with the justice system in relation to break and enters / home invasions and it is a fact that innocent people have died as a result. It is of no great surprise that QLD is widely promoted as having the highest crime rates in Australia and that is by a long margin. "Queensland has been crowned 'the crime capital of Australia', recording the most victims of crime in any state or territory". Nine News, 2024. The Australian Bureau of Statistics revealed QLD recorded 49,490 unlawful entries for 2023. Given these facts it is very clear that QLD has a criminal justice problem that needs to be addressed. Something has to change and a good start would be the Criminal Code (Defence of Dwellings and Other Premises - Castle Law) Amendment Bill 2024. This bill could be the start of QLD transitioning from the state with the worst crime rates and most victims of crime to the safest state with the lowest crime rates. This bill could be the impetus of a return of power to the homeowner and a significant deterrence for break and enter / home invasion crimes. This deterrence will undoubtedly save innocent homeowners lives and reduce offender recidivism due to the rewards no longer outweighing the risks. Given the above facts I am in favour of the the Criminal Code (Defence of Dwellings and Other Premises - Castle Law) Amendment Bill 2024.

A sample of relevant news articles includes:  
<https://www.9news.com.au/national/queensland-named-crime-capital-of-australia/80f9e7d2-7364-4c61-87bf-686b91b7763f>  
<https://www.abc.net.au/news/2023-11-28/sunshine-coast-beerwah-armed-home-invasion/103158308>  
<https://www.9news.com.au/national/queensland-youth-crime-attack-new-years-eve/56e1bbaf-ae16-47b3-a3e5-d1ed7c665365>  
<https://au.news.yahoo.com/victim-eyes->

glued-shut-during-222600540.html