

# Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2026

**Submission No:** 002

**Submission By:** YFS Legal

**Publication:** Making the submission and your name public

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21 April 2026

### Committee Secretary

Justice, Integrity and Community Safety Committee  
 Queensland Parliament  
 Brisbane QLD 4000

### Dear Committee

Thank you for the opportunity to provide a submission in response to the *Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2026* (the Bill).

YFS Legal is a community legal centre based in Logan, Queensland. We provide advice, representation and duty lawyer services to young and vulnerable people, predominantly aged 10 to 25 years, across criminal, youth justice and related matters. This includes provision of the Children’s Court Duty Lawyer Service at Beenleigh and Beaudesert Children’s Courts.

Our submissions are informed by: direct, daily experience representing children and young people in the youth justice system; longstanding engagement with families experiencing poverty, trauma and system involvement; sector collaboration; and Queensland and international human rights obligations, including the *Human Rights Act 2019 (Qld)* and the *United Nations Convention on the Rights of the Child*.

YFS Legal has previously made submissions opposing substantially similar Castle Law proposals considered by Queensland Parliament in 2024, and we rely on and adopt that reasoning in this submission. The concerns identified previously remain unresolved and are, in several respects, amplified by the current Bill.

### Overview of the Bill

On Wednesday, 4 March 2026, Mr Robbie Katter MP, Member for Traeger, introduced the *Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2026* into the Queensland Parliament.

The Bill seeks to amend section 267 of the Criminal Code to:

- Codify so-called “castle law” principles;
- Extend protection beyond dwellings to include other “premises”;
- Broaden circumstances in which force may lawfully be used against an intruder;
- Permit force likely to cause grievous bodily harm or death in a wider range of scenarios; and
- Provide purported legal certainty for homeowners and courts.

## Summary of YFS Legal's Position

YFS Legal strongly opposes the Bill and recommends that it not be passed.

In summary, we submit that:

1. Existing Queensland law already provides sufficient protection for lawful self-defence and defence of dwellings.
2. The Bill promotes and legitimises unjustified violence, including lethal force, beyond what is necessary for community safety.
3. The Bill will disproportionately impact children and young people, who comprise a significant proportion of property offenders.
4. The Bill is incompatible with the *Human Rights Act 2019* (Qld), particularly the rights to life and the special protections owed to children.
5. The Bill fails to address the root causes of property offending and ignores evidence-based alternatives that demonstrably improve community safety.
6. Evidence from Queensland and comparable jurisdictions does not support Castle Law as an effective crime-reduction measure.

## Existing Law Is Sufficient

Queensland law already contains robust and balanced provisions governing self-defence and defence of property.

Section 267 of the *Criminal Code* currently permits a person in peaceable possession of a dwelling to use necessary and reasonable force to prevent or repel unlawful entry where the person reasonably believes the intruder intends to commit an indictable offence.

Additional provisions (including sections 271–279) further regulate self-defence, ensuring proportionality and necessity. As reflected in the *Supreme and District Courts Criminal Benchbook*, Queensland criminal law recognises that its purpose is not solely punitive, but also protective. It does not require individuals to remain unnaturally passive when their safety is threatened, nor does it punish a person for acting reasonably in self-defence.<sup>1</sup>

The explanatory material supporting the Bill fails to identify any evidence that existing provisions are inadequate or unworkable. Rather than addressing a legal gap, the Bill lowers the threshold for lawful violence.

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<sup>1</sup> *Supreme and District Courts Criminal Benchbook*, 95. *Self Defence against unprovoked assault when there is death or GBH: s 271(2)*, 95.3 *Suggested Directions*.

## **Promotion of Unjustified Violence**

The Bill represents a significant shift away from proportional, evidence-based criminal law towards a presumption that violent responses are justified in a wide range of scenarios.

Of particular concern, the Bill:

- De-emphasises the requirement that force be necessary;
- Expands circumstances in which lethal force may be justified, including based on location, time of day, or the presence of multiple intruders; and
- Risks creating ambiguity that encourages escalation rather than de-escalation.

Decriminalising conduct that results in grievous bodily harm or death should be an exceptional measure, approached with extreme caution. Instead, the Bill normalises violence as a response to property offending.

This approach undermines community safety rather than enhancing it.

## **Disproportionate Impact on Children and Young People**

YFS Legal remains deeply concerned that the Bill will predominantly affect children.

The Queensland Crime Report 2024–25,<sup>2</sup> released in April 2026, confirms that:

- While overall property crime rates decreased by 6.9% statewide,
- Children and young people aged 10–17 years remain the most prevalent property offenders, with:
  - Between 52.6% and 69.0% of property offenders at ages 14–17; and
  - Almost one in five property offenders being aged 10–17 years.

Expanding lawful use of force against intruders must be viewed in this context. The practical effect of Castle Law is to increase the risk of serious harm or death to children, including children experiencing poverty, cognitive impairment, trauma, homelessness or disengagement from education.

The Bill also expands section 267 beyond dwellings to include “premises”, a definition so broad it captures:

- Vehicles;
- Tents;
- Caravans;

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<sup>2</sup> Queensland Treasury, Crime Report, Queensland, 2024-2025, Recorded crime statistics.

- Shared spaces; and
- Land associated with a structure.

This expansion significantly increases the likelihood that children engaged in lower-level property offending or vehicle-related offences will be exposed to lethal force.

Encouraging or legitimising violence against children is incompatible with the protective purpose of the youth justice system and foundational principles of Queensland law.

### **Human Rights Incompatibility**

The Bill is incompatible with the *Human Rights Act 2019 (Qld)*.

#### ***Right to Life (section 16)***

The Bill acknowledges that it limits the right to life, yet asserts such limitation is justified. YFS Legal strongly disagrees. The right to life is the supreme human right, from which no derogation is permitted, and is a prerequisite for all other rights.

Legislation that increases the likelihood of arbitrary deprivation of life — particularly outside trained law enforcement contexts — cannot be proportionate where less restrictive alternatives exist.

#### ***Rights of the Child (section 26)***

Section 26 requires that every child is entitled to protection that is in their best interests.

By expanding lawful use of lethal force in circumstances where children are statistically most likely to be involved, the Bill fails to meet this obligation. It exposes children to extreme risk without addressing the drivers of offending behaviour.

### **Evidence Does Not Support Castle Law**

There is no credible evidence that Castle Law reduces crime.

International research from jurisdictions that have introduced castle-style self-defence laws demonstrates that such reforms do not reduce burglary or other property crime and are associated with increases in serious injury and homicide.<sup>3</sup>

Closer to home, Queensland's own data shows property crime has fallen without Castle Law, undermining the premise that such reform is necessary.

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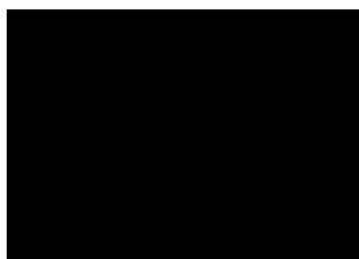
<sup>3</sup> Cheng C and Hoekstra M, 'Does Strengthening Self-Defense Law Deter Crime or Escalate Violence? Evidence from Expansions to Castle Doctrine' (2013) 48(3) *Journal of Human Resources* 821–854.

**Overall Recommendation**

YFS Legal respectfully recommends that the Justice, Integrity and Community Safety Committee reject the Bill.

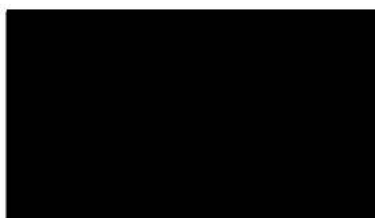
Queensland does not need Castle Law to keep communities safe. What is required is investment in evidence-based, child-centred responses that prevent harm before it occurs; not legislation that normalises lethal violence and places children at greater risk.

Yours faithfully



**Christopher John**

**Chief Executive Officer**



**Candice Hughes**

**Kamilaroi Woman, Principal Solicitor**

