

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

**Submission No:** 045

**Submission By:** David Millward

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

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Submission in Support of Proposed Amendments to Self-Defence Provisions ("Castle Law") in Queensland

I write in support of the proposed amendments to strengthen and clarify self-defence laws within Queensland, particularly in relation to unlawful intrusions into private premises.

The intent of the proposed bill—to codify castle law principles, extend protections beyond dwellings, clarify lawful use of force, recognise aggravated intrusions, and provide greater legal certainty—is both reasonable and necessary.

Under the current framework of the Criminal Code Act 1899 (Qld), individuals are permitted to use reasonable force in self-defence. However, the practical application of this principle presents challenges. Decisions made during a home intrusion occur under conditions of extreme stress, limited visibility, and often incomplete information. In such circumstances, individuals must act quickly to protect themselves and their families, without the benefit of calm deliberation.

Despite this reality, those who defend themselves may later be subject to detailed legal scrutiny regarding the proportionality and reasonableness of their actions. While the law appropriately seeks to balance rights and responsibilities, it does not fully account for the immediacy and uncertainty inherent in these situations.

Of particular concern is the financial burden placed on individuals who act in lawful self-defence. Even where no charges are ultimately sustained, or where a person is acquitted, the individual may still incur significant legal costs in asserting their defence. This creates an inequitable outcome whereby a victim of a criminal intrusion may suffer substantial financial hardship despite acting lawfully.

The proposed amendments would improve this situation by providing clearer statutory guidance on when force may be used against an intruder, particularly in cases involving aggravated circumstances. Codifying these principles would reduce ambiguity for both citizens and the courts, and better align the law with the realities faced by individuals during home intrusions.

Furthermore, extending protections beyond the traditional concept of a dwelling to include other premises reflects modern living and working arrangements, and is a logical evolution of the law.

In my view, the proposed bill strikes an appropriate balance. It does not remove accountability, but rather provides clarity and reassurance to law-abiding citizens that they may act decisively to protect themselves and their families without undue fear of legal or financial repercussions.

I respectfully submit that these amendments would enhance fairness, improve legal certainty, and better reflect community expectations regarding the right to personal safety and the sanctity of one's home.

Yours sincerely,