

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

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Submission By: [REDACTED]

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The general population of Queensland is aging and mostly choosing to remain in their own homes to live out their lives. The rise in youth gangs and adult offenders that target older people can be seen on the news most days of the week. People are afraid of being robbed, assaulted, sexual abused and having their property damaged. To defend oneself or others in the home is fraught with danger as charges could be laid against that person. These charges then have to be defended at financial and personal cost through stress, anxiety and due to the legal process.

When under duress during a home invasion, people have limited time to make fully informed decisions whilst under stress. The use of reasonable force may be reasonable at the time, but days or weeks later, may be called into question. In hindsight many different decisions may have been possible, but under duress the fight or flight response dominates. If you need to protect yourself or others then the fight response dominates.

Older people, people with disabilities or people who are not trained in self defence or feel they have few options available may use force that could be deemed later as excessive.

Anyone entering or attempting to enter someone's house, caravan, motorhome or car without the owner's consent is intent on committing a crime and possibly with violence.

A person should be able to use all and any force available to them to stop the entry of those people and potential crime being committed especially if there is a possibility of violence being used.

If people were able to use all and any force available to them I believe that this would dissuade potential offenders from entering someone's house, caravan, motorhome, car etc., as they would be uncertain what force could be used against them. Currently offenders are well aware that people are reluctant to use force to prevent the crime due to the potential for the victim to be charged. This is a double victimisation for the home owner and only emboldens offenders.

Whilst some checks and balances may need to be included such as not pursuing the offender and using force outside of the home (including yard or other out buildings) generally the home owner should be able to use the force they believed necessary at the time.

The use of force by the home owner should cover any property they own including motor vehicles, caravans, out buildings, etc.

A person should have as a fundamental right of every citizen the right to protect themselves, others and their property from burglary, break and enter, theft or damage/vandalism.

It is time to put good law abiding citizens ahead of criminals. If we are to turn around the crime rate then the criminals need to be held to account and the use of a "Castle Law" is a positive step in the right direction.