

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

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Submission to the Justice, Integrity and Community Safety Committee Inquiry into the Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2026

Date: 09/04/2026

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Re: Strong Support for the Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2026

Dear Committee Members,

I am a Queensland resident writing to express my full support for the Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2026. Queenslanders have made their position clear: over 122,000 people signed the record-breaking petition calling for these reforms. The time has come to modernise section 267 of the Criminal Code and enshrine clear, practical protections for law-abiding citizens who defend themselves, their families, and their property against unlawful intruders.

The current law requires a person to prove that the force they used was “reasonably necessary” and that their belief was held on reasonable grounds. In the terrifying, split-second reality of a home invasion, this creates dangerous uncertainty. Homeowners who act to protect their loved ones can still face arrest, investigation, and the prospect of criminal charges. This is unacceptable. The five targeted amendments in the Bill directly address these failings and will deliver the legal certainty Queenslanders deserve. I address each below.

1. Codify “castle law” principles within the Criminal Code The ancient common-law principle that “a man’s home is his castle” must be explicitly written into Queensland statute. At present, the defence of dwelling under section 267 remains vague and heavily reliant on post-incident judicial interpretation. Codifying castle law principles would create a clear statutory presumption: when an intruder unlawfully enters or remains in a premises with intent to commit an indictable offence, the occupier’s use of force is lawful unless the prosecution proves otherwise. This removes the current chilling effect where victims must second-guess themselves mid-crisis and later justify every action in court. It restores the fundamental right to defend one’s home without hesitation or fear of prosecution.

2. Extend protection beyond dwellings to other premises Protection must not stop at the front door of a house. Queenslanders lawfully occupy and control a wide range of premises — farms, businesses, sheds, caravans, workplaces, and vehicles left on private land. Intruders frequently target these locations, yet the current law offers weaker or no equivalent protection. Extending castle law principles to “other premises” recognises that the right to safety and property does not evaporate the moment a person steps outside their house. It provides consistent, practical safeguards wherever law-abiding citizens have a lawful right to be.

3. Clarify when force may lawfully be used against an intruder Ambiguity is the enemy of justice. The Bill must clearly define the trigger for lawful force: an unlawful entry or remaining in the premises coupled with an intent to commit an indictable offence. Once that threshold is met, the occupier should not be required to weigh “proportionality” or “reasonableness” in the heat of the moment. The law should state unequivocally that force — including force capable of causing grievous bodily harm or death — is justified to repel the threat. This clarity will prevent the current situation where police and prosecutors must investigate every defensive act as a potential crime.

4. Recognise that certain aggravated intrusions justify stronger defensive action Not all intrusions are equal. The law must explicitly recognise aggravating factors that dramatically increase the threat to occupants: forced entry at night, multiple intruders, the presence of weapons, threats to children or

vulnerable persons, or commission of violent offences. In these heightened circumstances, the Bill should confirm that stronger defensive action is not only justified but presumed lawful. This reflects the reality that an aggravated invasion creates an immediate and grave risk that demands a decisive response. It does not licence vigilantism; it simply acknowledges that the law should not tie the hands of those facing the most dangerous threats.

5. Provide legal certainty for both homeowners and courts The greatest strength of these amendments is the certainty they deliver. Homeowners will know in advance that the law stands with them, not the intruder. They will not hesitate to protect their families for fear of becoming the accused. At the same time, courts and police will have clear statutory rules to apply, reducing protracted trials that turn on subjective assessments of “reasonableness” after the fact. This will deter frivolous prosecutions, ease the burden on the justice system, and send an unmistakable message to would-be offenders: Queensland homes and premises are not soft targets.

These reforms will not increase violence — they will deter it. Criminals who know that occupants can lawfully meet force with force are far less likely to break in. The Bill strikes the right balance: it protects the innocent, deters the guilty, and restores community confidence that the law is on the side of victims, not perpetrators.

I urge the Committee to recommend that the Bill be passed without delay. Queenslanders have waited long enough. A Queenslanders’ home — and other lawful premises — must once again be their castle.

Thank you for considering this submission. I am available to appear before the Committee if required and would welcome any questions.

Yours sincerely,

Michael Dzidowski