




Speech By
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MEMBER FOR TRAEGER

Record of Proceedings, 4 March 2026

CRIMINAL CODE (DEFENCE OF DWELLINGS AND OTHER PREMISES— CASTLE LAW) AMENDMENT BILL

Introduction

 **Mr KATTER** (Traeger—KAP) (4.14 pm): I present a bill for an act to amend the Criminal Code for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Justice, Integrity and Community Safety Committee to consider the bill.

Tabled paper: Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2026 [267](#).

Tabled paper: Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2026, explanatory notes [268](#).

Tabled paper: Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2026, statement of compatibility with human rights [269](#).

Queenslanders do not feel safe in their own homes. This did not happen overnight; this is a situation that has developed over the last five or 10 years. I sit beside the member for Hill. We are two members of this House who have stood steadfast and have, along with the former member for Hinchinbrook, tried our darnedest to point out the extent of what is happening. At the forefront of our minds was always North Queensland—Cairns, Townsville and Mount Isa. We kept repeating the worst stats. We kept getting told by government and government agencies that it was not as bad as we thought and that it was a media beat-up. There were no changes. Things continued to get worse. In order to not offend anyone, there was a continual tinkering of policy around the edges. The civil libertarians continued to counter any sort of effective change and were a block politically. We did not get the changes we needed to nip this situation in the bud at the start. The situations got worse and we had to observe that. It was very frustrating.

There was a lot of animosity seen at our electorate offices with people saying, ‘We have been hit by this. We need more action.’ It got to the point where we saw extraordinary circumstances, figures and results—things that we never thought we would see in our lifetime. When I was first elected one person a year might come in and complain about crime. It is now one person a week. They are agitated and angry. Some of the stories were horrible to hear and horrible to listen to. We became very frustrated and were begging for action in this House. Quite frankly, there has still not been action. We are still looking for some signals that there are measures to turn the situation around. It has become a big problem—it has ballooned out of control.

The first big policy response from government was when the member for Capalaba’s son was tragically killed in an incident in Brisbane. There was a statement made by the government that we must change the legislation. Then there was another incident in Brisbane which triggered another government response. That was the death of Emma Lovell in Brisbane in 2022. These events were tragic and it was good to see the government acknowledge the problem and respond. The response

that came fell far below our expectations. We saw policies from both sides that were not commensurate with the extent of the problem in the communities that we represent, and perhaps the communities in the rest of regional Queensland.

The KAP has taken it upon itself to offer some solutions—not all the solutions. There are plenty of valid and legitimate responses aired by the government. We have tried to offer some of the more edgy responses that are less palatable, particularly for some people in Brisbane who perhaps do not understand the nature and cause of some of these problems or have not had to deal with them and would take a more academic or ideological approach at the expense of being practical in dealing with them.

I would argue that in regional areas we have to face this with a more practical response—something that is realistic and will move the dial on this. That led us to policies like relocation sentencing, which was adopted by the now government in its campaign before the last election, and castle law. I am here today to make amendments to the Criminal Code to enshrine castle law in legislation. Many people ask what is the response from the community and what are the statistics on this—what is the supporting evidence? That is important. You cannot ignore the evidence. A critical element of our representation, which is a value we embrace in the KAP, is listening to people on the ground and seeing if they feel safe. With the new government there are changes to some laws and we have asked them if they feel safe. The other week I was in Cairns and Townsville and a lot of the discussions are still the same. In Mount Isa kids are still willy-nilly going into service stations and houses and doing what they like. They are still not seeing the consequences that are required.

Many people put forward solutions and say they need to be road-tested. We did that with castle law. We talked about it for a while. We canvassed it in the electorate to see what the feedback was. We even did a petition. Interestingly, that petition initially took over 120,000 signatures, but the number was whittled down, once they reviewed and legitimised those signatures, to 113,380. That is the biggest e-petition, by a long way, in Queensland's history. There are a lot of Queenslanders out there saying that they think they understand what this is about and they really want it because anything has to be better than what we have now.

The heart of the principle of this amendment is quite discrete in how it operates. It is saying, 'You have the right to protect yourself in your home.' That is a pretty simple principle to work off. In August last year, Roy Morgan Research reported that Queenslanders have the highest level of concern about crime: 77 per cent of Queenslanders reported they were concerned about crime. On average over the last 10 years, each year 41,236 homes and premises were unlawfully entered. This peaked in 2023, with 49,851. That would not include my nephew, who was broken into the other week. It did not get recorded. I know that in Mount Isa a lot of people stopped reporting lower level break and enters because it seems so commonplace.

We need to think about solutions. We need to think about what we can do that is cost-effective and a genuine deterrent to stem this flow of crime. We talk about sentencing on the back end of this behaviour—the punitive measures and recidivism—but how about trying to stop it happening before it gets to that point? What is a cost-effective and efficient way to deal with this problem? That brings us to castle law.

A lot of people say that we already have the laws in place to protect people. We will hear that in this House 100 times from now until the vote. I beg to differ. I have a friend in Mount Isa—I will not name him—who over a period of 18 months was repeatedly robbed. It was almost weekly. He had kids coming up to his house, chastising him, jeering, cheering and flogging his gear. They made a sport of it. One night someone came out of the dark and he retaliated with a garden spade. There were no serious injuries to the child. He spent \$90,000 to keep himself out of prison. He was facing seven to 14 years in prison. People are saying that we do not need this, that we have the protections we need. I can keep rolling these stories out. I have plenty where that came from. There is no shortage of lawyers and agencies that are willing to take on these cases of people who feel they have been aggrieved. The ones who have entered the house I would call the villains and perpetrators. There is no shortage of representation to help them. There is a shortage of money and resources for victims to defend themselves.

The wording in the existing legislation is that you must have a proportionate response. If you boil that down, you need an intercom system at the front gate to ask the intruder what he is carrying so you can make sure you have a proportionate response if he comes in and you try to defend yourself and your family. It is absolutely ridiculous. You should not have to consider that.

The next criticism we will encounter during the course of this debate and the committee hearings is that this will create vigilantism, that we are all bursting to blast our shotguns down the street like Elmer Fudd and start shooting people—that is what Queenslanders are like. Last time I checked, most

Queenslanders are not violent; they do not want to hurt fellow Queenslanders. They do not have a propensity for violence, but if they are pushed they will protect their home and their family. That is the extent of it. The people who fall outside that category will probably not obey or acknowledge any laws anyway. It is ridiculous to say that this is going to incentivise people to violence. I ask members to honestly consider who they know who has this propensity for violence and would love the opportunity to rip in on these occasions. The best this amendment can do is provide people with surety. They do not have to second-guess; they do not have to think they might fall outside the law if they feel they have to protect themselves, their family and their property. It is a deterrent.

I will read out some comments we have received in our office. Donna contacted our office and said—

Yes, the laws are ridiculous. Everyone should be able to defend their loved ones and their home.

That is a pretty simplistic principle that I think we all agree with. Kevin wrote—

Every homeowner deserves the right to defend themselves and protect their family in their own home with whatever force necessary.

Robert wrote saying—

Castle law is the way to go—make people think twice about breaking into people's homes. You have a right to protect yourself, your family and property.

Section 267 of the Criminal Code needs strengthening to give home owners the protection of the law, not the criminals. Several times in the election campaign I heard the now government saying that we need to put the balance back in favour of the victims of these crimes rather than the perpetrators. I do not know a better way to demonstrate it than with this law. Let us give them some protection. Let us remove that word 'proportionate' and say that you can defend yourself at all costs. That word can be attacked by lawyers, and civil libertarians will want to defend these perpetrators. That is the part of the law they can attack and they do. I am sure members have knowledge of stories where that has happened. The law may protect you, but not until you spend, like my friend, \$90,000 and one or two years waiting to see if you are going to get 14 years in prison. You should not have to do that. That should not be a consequence of someone entering your home to steal your property and do harm to you. That should not be a consequence you have to face. That is what this law seeks to address.

The castle doctrine is enshrined in the system that we have inherited. It dates back as far as 1604, to *Seymayne's case*. The Court of King's Bench determined—

The house of everyone is to him as his castle and fortress, as well for his defence against injury and violence, as for his repose.

We should have the ability to feel safe and secure in our homes. In this bill we define the home as premises and expand that to tents, caravans and the like because, as we know, there is a housing crisis in Queensland. It does not matter where you live. If you are living in a caravan, people should not enter uninvited. If you are living in a tent, people should not enter uninvited. There should be an adequate deterrent.

Here is another fact that I think is central to the principle being applied here: Mount Isa police are not sitting outside my house 24/7 guarding it from intruders. They do not do that for the member for Hill or for anyone. They do not sit outside your place to protect you from criminals. What they can do is come and clean up the mess or apprehend them afterwards. You are the only one who is there when they come into your house. It is not like the police will catch them when they are still in your house so what are you supposed to do in those circumstances? What if they are aggressive and your hand is forced in that situation? Again, people will say, 'It doesn't matter because you are protected by the law.' You are not. If I pulled a baseball bat out from under the bed and started flogging them and they did not have any weapon, I could face seven to 14 years in prison. Imagine having to go to your bank manager to ask for a loan or a redraw on your mortgage offset because you are going to need 50 grand or, in the case of my friend, 90 grand to try to keep yourself out of prison. Is that fair in the context of where we are with crime and the number of break and enters in Queensland?

Unfortunately, last week Townsville, Cairns and Rockhampton were ranked Nos 1, 2 and 3 in the country in terms of property crimes. The problem is still there, it is still enormous and it is so far beyond the expectations of people in the community. The LNP have been voted into government and people are expecting a change. I appreciate that the government have tried tinkering around the edges on this but we need something big to turn the tide. The government need to send a message to the criminals that it will not necessarily work out well for them if they enter someone's home to do harm or steal property. It may not work out well for them and that could actually be a gift because it could be the thing that helps to turn their lives around. Certainly it would give someone peace of mind if they had the backing of government and legislation and could say, 'You know what? This is my house and this is my

family. That person was not invited here, they should not be here and they need to know that it is not on.' That should be the right of everyone in this state and we should be backing people on that issue. That runs straight to the heart of what this legislation is about.

Most of what has been happening in this space is about legislating behaviour and trying to pull people around the long way and get them back on the right track. You may have some success in that space, but the KAP certainly argues that that horse has bolted. When we look at the volumes of youth recidivism, the numbers are getting old but they would not be too far off. The recidivism rate out of Cleveland Youth Detention Centre was up to 90 per cent. It is a turnstile. Especially in North Queensland, the QPS quite openly say that youth see it as a respite centre or a holiday camp. They do not see going there as a penalty. It is not doing the job. We are not solving the problem that way or by calling it Adult Crime, Adult Time. That is not going to turn the dial on this, but we can put in deterrents. Again, this is a cost-free solution for the taxpayer and it gives people rights that will help them to do a job that cannot be done by legislators or the QPS as we try to turn this around and protect our homes.

Essentially, the bill seeks to establish the rights of law-abiding Queenslanders to defend their dwellings and other premises from unlawful intrusion. It seeks to broaden the circumstances in which an individual can lawfully respond to a home invasion. It takes away the need for the home owner to consider whether such force may result in grievous bodily harm or even death to the intruder in certain circumstances.

The amendments codify castle law principles within the Criminal Code. As I mentioned before, they extend protections beyond dwellings to other premises such as tents and caravans. It clarifies when force may be lawfully used against an intruder. It recognises that certain aggravated intrusions justify stronger defensive action and provides legal certainty for both home owners and the courts. The bill affirms that the law should stand with victims of unlawful entry, not those who unlawfully invade homes and premises. Currently, section 267 does not include 'premise', which is what I was talking about before. 'Premise' has been added to include invasions of motor vehicles, caravans, tents et cetera. Reflecting on the challenging times we face with homelessness and the housing crisis, we need to include something like this. As I said before, it comes back to the principle that whether it is a house, a caravan or even a tent it is your home and they have no right to enter. They should respect that. People need to know that. As a society, we need to know that and if you do not then you need to be taught a lesson.

It is pretty fair to say that at the moment there are no lessons being learned by anyone. It is open slather. People can do whatever they want and the consequences are not commensurate with the level of injury that they cause to the person involved or the community as a whole. The sum total of this is that Queenslanders do not feel safe in their own homes and that should be a high priority for this parliament in every respect. It is going to take something a bit bigger and a bit meaner than what is being done at the moment. I do use the word 'mean'. While everyone talks about being tough on crime, we are not aiming to be tough on crime. We are aiming to turn those people's lives around. That is what we should be aiming for at the end of the day. If that involves a bit of toughness then so be it. I think the majority of Queenslanders do not want to hurt or cause harm to anyone. They do not want to see people sent to prison for life. They just want to see consequences that could trigger something that might turn a life around and at the moment that does not exist. This could go some way towards assisting with that.

As I said, Queenslanders do not feel safe. Regardless of what some say—you can throw around statistics and slogans and you can hype it up—the reality is that the people who are committing these crimes are not afraid of the law. Juveniles are not afraid of going to a youth detention centre. We have to think of other ways to address this. We respectfully put this on the table. If we were trying to make a big political statement then we would have done this during a different week in parliament, but we genuinely want to see some principles applied to help whoever is in government do their job. We want to help Queenslanders through this legislation. We ask the House to seriously consider this and have an open mind about it. You might be okay in the town that you live in and your community might be all right, but a lot of Queenslanders are suffering and they have been suffering for many years now—I would say five to 10 years. Certainly for the past eight to nine years I have spoken in this House about the need to act on this issue because it really has become acute and it still is. It has progressively worsened over the years.

With a new government, people might say that things are improving and we all want to think that that is true as some of the laws have changed, but things are still bad. I cannot see it turning around dramatically or getting anywhere near a point that meets community expectations given the current trajectory that we are on, even with the new government. I say that with the greatest of respect. It is a fact that the needle is not turning as we would expect. There will be a reckoning on this at some point.

There was for the former government and there will be for this government unless it is addressed effectively. We are trying to provide solutions in this House and offer some effective ways to address this. We understand it is unpalatable to some. We understand all the hypotheticals that are thrown up such as, 'What if my mate breaks into the house one night and we accidentally shoot him?' With any legislation, there are 100 hypotheticals that you can throw up that would produce negative connotations.

I would ask you to consider the magnitude of the problem we are trying to fix and the culture that is embedded now in Queenslanders where they are scared to stay in their own home. One of my sisters is thinking of moving house because she is too scared to live in her house where she is there too often by herself. 'Let's go and live in a unit'—is that the Queensland we grew up in? That sounds like somewhere overseas—a war-torn country or some crime riddled country in Africa that you have heard of where they are afraid to live in their own house. That is becoming Queensland now. That is sad.

The good news is that we can turn this around. Turning things around can get a bit ugly sometimes, and it takes bold steps. We put these amendments sincerely to the House and ask the House to seriously consider this.

First Reading

Mr KATTER (Traeger—KAP) (4.40 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Justice, Integrity and Community Safety Committee

Mr DEPUTY SPEAKER (Mr Krause): In accordance with standing order 131, the bill is now referred to the Justice, Integrity and Community Safety Committee.