

Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2024

Statement of Compatibility

Prepared in accordance with Part 3 of the Human Rights Act 2019

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Nick Dametto, Member for Hinchinbrook, make this statement of compatibility with respect to amendments to the Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2024 (the Bill).

In my opinion, part of the Bill is not compatible with the human rights protected by the HR Act. The nature and extent of the incompatibility is outlined in this statement.

Overview of the Bill

The objective of the Bill is to amend section 267 of the Queensland Criminal Code (the Code) and provide clearer guidance and legal protection for individuals who use force to defend themselves or others within their homes. This amendment is commonly referred to as the ‘Castle Doctrine’.

Section 267 of the Queensland Criminal Code governs the use of force in situations where a homeowner or occupier defends their property. However, an increase in home invasions due to uncontrollable youth crime and crime in general across Queensland have called into question the clarity and applicability of this provision. The proposed amendment seeks to broaden the circumstances in which an individual can lawfully respond to a home invasion with such force that may result in grievous bodily harm or even death to the intruder.

Human Rights Issues

In my opinion, this Bill may contravene section 16 of the HR Act, the Right to Life.

On the other hand, the Bill seeks to strengthen Section 25 of the HR Act for members of the community by strengthening their right to privacy and reputation including a person’s family or home.

The need to protect the community should be paramount. This includes upholding the human rights of victims of crime, including their right to security of the person, and their right to property.

Therefore, any incompatibility of this Bill with section 16 of the HR Act is justified.

Conclusion

In my opinion, clause 3 of the Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2024 is not compatible with the human rights under the *Human Rights Act 2019* for the above reasons.

Nick Dametto
Member for Hinchinbrook