



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





Queensland

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

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**2024**

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**A Bill**

for

**An Act to amend the Criminal Code for particular purposes**

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<b>The Parliament of Queensland enacts—</b>	1	
<b>Clause 1</b>	<b>Short title</b>	2
	This Act may be cited as the <i>Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Act 2024</i> .	3 4 5
<b>Clause 2</b>	<b>Code amended</b>	6
	This Act amends the Criminal Code.	7
<b>Clause 3</b>	<b>Replacement of s 267 (Defence of dwelling)</b>	8
	Section 267—	9
	<i>omit, insert—</i>	10
	<b>267 Defence of dwelling or other premises</b>	11
	(1) It is lawful for a person (the <i>occupant</i> ) who is the owner or occupier of a dwelling or other premises, and a person who helps the occupant or acts under the occupant’s direction, to use force against another person (the <i>intruder</i> ) if the person using the force reasonably believes the force is necessary to prevent the intruder from—	12 13 14 15 16 17 18
	(a) unlawfully entering the dwelling or other premises; or	19 20
	(b) unlawfully remaining in the dwelling or other premises.	21 22
	(2) However, this section does not authorise the use of force that is intended or is likely to cause the death of, or grievous bodily harm to, the intruder unless—	23 24 25 26
	(a) the intruder—	27
	(i) enters or attempts to enter the dwelling or other premises in the night; or	28 29

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(ii)	uses or threatens actual violence; or	1
(iii)	is or pretends to be armed with a dangerous or offensive weapon or instrument, or a noxious substance; or	2 3 4
(iv)	is in company with 1 or more persons; or	5 6
(v)	damages, or threatens or attempts to damage, any property; or	7 8
(b)	the person using the force reasonably believes that—	9 10
(i)	the intruder is attempting to enter, or to remain in, the dwelling or other premises with intent to commit an indictable offence in the dwelling or other premises and the force is necessary to prevent the commission of the offence; or	11 12 13 14 15 16 17
(ii)	the use of the force is necessary to prevent the death of, or bodily harm to, the person or another person.	18 19 20
<b>Clause 4</b>	<b>Insertion of new pt 9, ch 112</b>	21
	Part 9—	22
	<i>insert—</i>	23
	<b>Chapter 112 Transitional provisions for Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Act 2024</b>	24 25 26 27 28 29 30 31

<b>767 Use of force in defence of dwelling or other premises</b>	1
	2
(1) Despite the <i>Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Act 2024</i> , former section 267 continues to apply in relation to a use of force before the commencement	3 4 5 6 7
(2) New section 267 applies in relation to a use of force after the commencement.	8 9
(3) In this section—	10
<i>former section 267</i> means section 267 as in force from time to time before the commencement.	11 12
<i>new section 267</i> means section 267 as in force from the commencement.	13 14