



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



Queensland

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

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2026

A Bill

for

An Act to amend the Criminal Code for particular purposes

The Parliament of Queensland enacts—	1	
Clause 1	Short title	2
	This Act may be cited as the <i>Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Act 2026</i> .	3 4 5
Clause 2	Code amended	6
	This Act amends the Criminal Code.	7
Clause 3	Replacement of s 267 (Defence of dwelling)	8
	Section 267—	9
	<i>omit, insert—</i>	10
	267 Defence of dwelling or other premises	11
	(1) It is lawful for the owner or occupier of a dwelling or other premises, and a person helping the owner or occupier or acting under the owner’s or occupier’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

	(ii) uses or threatens to use actual violence; or	1 2
	(iii) is or pretends to be armed with a dangerous or offensive weapon or instrument, or a noxious substance; or	3 4 5
	(iv) is in company with 1 or more persons; or	6 7
	(v) damages, or threatens or attempts to damage, any property; or	8 9
	(b) the person using the force reasonably believes that—	10 11
	(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	12 13 14 15 16 17 18
	(ii) the use of the force is necessary to prevent the death of, or bodily harm to, the person or another person.	19 20 21
Clause 4	Insertion of new pt 9, ch 115	22
	Part 9—	23
	<i>insert—</i>	24
	Chapter 115 Transitional provision for Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Act 2026	25 26 27 28 29 30

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	2
(1) Despite the <i>Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Act 2026</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