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Committee Secretary
Justice, Integrity and Community Safety Committee
Via email: JICSC@parliament.qld.gov.au

Dear Committee Secretary

Thank you for the opportunity to provide a submission to the Justice, Integrity and Community Safety Committee inquiry into the *Criminal Code (Defence of Dwellings and Others Premises – Castle Law) Amendment Bill 2026* (the Bill). The Commission previously provided a submission on the substantively identical 2024 Bill.

To commence, I acknowledge the importance of ensuring a safe Queensland and recognise the Bill's intention to strengthen community confidence. I recognise that concerns about home invasions and property-related crime are genuine and deeply felt, and I have personally experienced the violation that occurs when the private home is breached by those with criminal intent.

Currently, section 267 of the *Criminal Code Act* permits the use of force against an intruder where a person reasonably believes the intruder is attempting to enter or remain in a dwelling to commit an indictable offence, and where the force used is necessary and proportionate in the circumstances.

This Bill proposes to significantly broaden this position by extending the circumstances in which force may be used, including force likely to cause grievous bodily harm or death, and expands the defence beyond dwellings to include 'premises', such as motor vehicles, caravans, and tents. The stated rationale for these changes is to respond to community concern about safety and criminal offending.

I do not consider these amendments necessary or appropriate to achieve that objective. Put simply expanding the right to use violence doesn't increase safety — it spreads danger.

We should never measure justice by how strongly we react in the moment, but by how safely we resolve the situation.

The rule of law exists so untrained individuals do not have to make life-or-death decisions over replaceable goods.

Legally sanctioned violence must be rare, constrained and vested in accountable individuals

At its core, the Bill represents a substantive shift in when the law justifies violence between community members.

By broadening circumstances in which serious or lethal force may be used, the Bill lowers the threshold for extreme violence, including in situations where there may be no immediate threat to life.

Legally legitimised violence should remain a measure of last resort, tightly constrained by necessity and proportionality. It is not, and should never be, justified where:

- there is no immediate threat to life or serious harm
- the response is disproportionate to the risk presented
- alternative, non-violent responses are available
- the intent is punitive rather than protective
- protection of property is prioritised over preservation of human life.

Evidence does not support the proposition that increasing the availability of violent defensive responses reduces crime. Instead, it points to an increased risk of serious harm and escalation, and outcomes that may have lifelong consequences for individuals, families, and children.

Studies in jurisdictions where similar castle doctrine laws have been employed have shown that such policies do not reduce crime.¹ A systematic review of 25 studies which analysed the impact of the introduction of similar laws in the United States found no change to break-and-enter type offences, but found increases in violent crimes, including statistically significant increase in murders in some cases. These studies also highlighted concerns regarding the racial inequalities which were noted in the application of such laws and the concern for a higher incidence of serious violence and increasing risk of physical harm in break-and-enter type offences.

If passed, this Bill would create a heightened risk of escalation and unintended serious harm or death in inherently unpredictable and high stress situations.

The framing of this Bill focuses heavily on young people as offenders, without adequate consideration of children and young people as victims. Children across Queensland witness violence, experience trauma, and are directly harmed in incidents where force is used. Policies that increase the likelihood of serious injury or death, particularly in unpredictable and high-stress situations, present a systemic risk to children and young people and must be approached with extreme caution. While force may feel decisive in the moment, it multiplies risk for everyone involved, including bystanders.

¹ Cheng, C., & Hoekstra, M. (2013) Does Strengthening Self-Defense Law Deter Crime or Escalate Violence? Evidence from Expansions to Castle Doctrine The Journal of Human Resources, 48(3), 821-853.

Ackermann, N., Goodman, M. S., Gilbert, K., Arroyo-Johnson, C., & Pagano, M. (2015). Race, law, and health: Examination of 'Stand Your Ground' and defendant convictions in Florida. Social Science & Medicine, 142, 194-201.

Yakubovich, A. R., Esposti, M. D., Lange B. C.L., Melendez-Torres, G.J., Parmar, A. Wiebe, D.J., Ro Humphreys, D. K. (2021). Effects of Laws Expanding Civilian Rights to Use Deadly Force in Self-Defense on Violence and Crime: A Systematic Review. American Journal of Public Health, 111(4), e1-e14.

The policy arguments for this Bill have been light on the role of police and the legal system in protecting peoples property. For many centuries communities have recognised the legitimate use of force by sworn officials who are trained and charged with community safety. Blurring the lines between who can respond aggressively to crime, diminishes our legally authorised officers and if everyone becomes the enforcer, the law stops being a system and starts being a gamble.

Property can be replaced. The damage from escalated violence cannot be undone.

Improving community awareness of existing protections

Improving community safety, and community perception of safety, is important. I have previously raised my concerns that the policy narrative surrounding crime is becoming increasingly disconnected from evidence. Public discourse is often shaped by heightened fear and isolated incidents, rather than long-term data and system understanding. This creates a risk that legislative responses are driven by perception and politicisation, rather than what is proven to improve community safety. It is critical that responses to crime are proportionate, targeted, and capable of delivering genuine improvements in community safety.

At present, there is also a clear gap between what the law allows and what many in the community believe they are entitled to do. Section 267 of the *Criminal Code* already permits the use of force against an intruder where a person reasonably believes the intruder is attempting to enter or remain in a dwelling to commit an indictable offence, and where the force used is necessary and proportionate in the circumstances. Public understanding of these legal protections is often limited or misunderstood.

I consider that greater awareness and understanding of these sections of the Code as they presently exist would address many of the concerns that led to this Bill. In this situation the answer is not to expand the legal boundaries of violence to meet the misunderstanding, but to close the knowledge gap. We should be investing in clearer public education, not reshaping the law to accommodate misperception. Laws should set principled limits on the use of force; our responsibility is to ensure the community understands them.

The Commission notes that contemporary data does not support the perception that crime is the predominant concern for Queensland communities. In 2025 the Commission published the Community Perceptions Survey Report which is a statewide survey that captures Queenslanders' views on child safety, wellbeing, and their confidence in the systems and services that support children and families. Survey findings indicate that the primary issues identified by Queenslanders relate to structural pressures, with 54 per cent nominating cost of living, poverty and financial stress as the most significant challenges facing families, compared to only 17 per cent identifying crime or youth crime. This disparity highlights a critical misalignment between community priorities and public narrative. It reinforces the need for policy development to remain grounded in empirical evidence, rather than reactive to heightened perceptions of risk or high-profile incidents. Investment in community cohesion is far more likely to benefit community safety.

A better response to crime

Sustainable safety is achieved through addressing the underlying drivers of offending, supporting victims and communities to heal, and strengthening the social fabric of communities. Importantly, the evidence points to community safety being closely linked to social and economic conditions rather than the availability of violent defensive responses. It is well evidenced that young people involved in the justice system are five times more likely to be from the lowest socio-economic postcodes.

Sustainable community safety is more effectively achieved through strong, connected communities. Evidence demonstrates that when people feel a sense of belonging, trust, and pride in their neighbourhoods, they are more likely to contribute positively, look out for one another, and support safer environments.

Through our work interviewing children in Queensland's detention centres for the report *'Exiting Detention'* it was very clear that the young people engaging in criminal behaviour wanted a brighter future, to reengage in school or get a job, to get clean, and to be seen differently by their community.

Strengthening community safety depends on fostering social connection, and ensuring access to supports - not lowering the legal threshold for the use of violence.

Unfortunately, indicators of social cohesion and belonging are declining. According to Australian Government data, Australians report lower levels of trust and connection, with a steady decline in sense of belonging over time. Passing laws that allow citizens to maim or kill each other is not the solution to building public trust and community confidence.

Children and young people who feel heard and valued are more likely to feel connected to their communities, engage in education, seek help when needed, develop stronger self-confidence, and experience better wellbeing outcomes. They are also more likely to become active and informed citizens.

Positive communities foster a sense of belonging that supports wellbeing, identity development, and connection with society. Data from the 2025 Mission Australia Youth Survey (Queensland) highlights that 27% of young people report not feeling safe in their neighbourhood. 45% reported that their neighbourhood did not have the things they needed for a positive and thriving and only 35% felt connected to people in their neighbourhood.

These findings reinforce that community safety is not achieved through increased permissible violence, but through connection, inclusion, and participation.

Youth justice is a highly complex and sensitive policy domain in which public sentiment, political pressure and empirical evidence do not always align. The Commission's findings consistently emphasise the need to balance community safety and the experiences of victims with an understanding of the developmental needs and life histories of children who offend—many of whom have experienced significant trauma, adversity, unmet disability needs and prolonged involvement with multiple government systems. While there is broad agreement on the overarching objective of youth justice policy—to keep the community safe—there remains a substantial gap between expert evidence and public understanding. Youth justice policy is particularly vulnerable to volatility, with the pace and direction of reform frequently shaped by high-profile incidents and public narrative rather

than by evidence of what is effective in reducing offending and improving long-term outcomes.

Substantial public investment and repeated cycles of legislative change have not delivered sustained improvements. Instead, system responses remain largely reactive and increasingly punitive, often displacing the strong and growing evidence base supporting early intervention, developmentally appropriate responses, trauma-informed practice and community-led rehabilitation. Punitive approaches continue to dominate public and political discourse, despite their limited effectiveness in reducing reoffending or improving community safety. High-profile incidents continue to prompt rapid policy responses that prioritise short-term reassurance over long-term outcomes. This instability undermines the conditions required for effective reform and results in legislative and operational changes that are frequently misaligned with contemporary research on child development, trauma, disability and desistance.

The best way to keep the entire community safe is to make every effort to prevent and address offending, in a way that addresses these underlying factors of adversity and disadvantage: Investing in school reengagement, youth employment programs, mental health services, youth centres, youth housing and parenting support.

Conclusion

I do not consider that the proposed amendments in the Bill are necessary or appropriate to address criminal behaviour, and I am deeply concerned that they risk increasing the likelihood of serious harm, escalation, and unintended consequences. I further note the potential for these amendments to have a disproportionate impact on young people, people from vulnerable and marginalised communities, and people from diverse backgrounds.

If applied universally, the Bill could legitimise further fragmentation and disconnection within our communities - where some are seen as threats, and others are able to legally harm them. If we respond to crime with violence, we simply become part of the problem. For these reasons I do not support this Bill.

Any response to criminal behaviour must address the root causes of behaviour and must include a holistic approach to crime prevention that strengthens and restores the health and confidence of our community. This approach requires the wider community to address drivers of criminal behaviour, including by supporting young people at risk of entering the criminal justice system.

It would be far better to build a harmonious Queensland, than to legitimise an approach where we can more frequently hurt each other.

“Never let your sense of morals prevent you from doing what is right. Violence is the last refuge of the incompetent.” - Isaac Asimov

Yours sincerely

Luke Twyford

Principal Commissioner

Queensland Family and Child Commission

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