

**\*\*In Queensland, self-defence laws are primarily governed by the Criminal Code 1899 (Qld), particularly sections 267 (defence of dwelling), 271 and 272 (self-defence against assault), and related provisions for property and aiding others.\*\***

These laws allow reasonable force in response to threats but emphasise **\*\*proportionality\*\*** and reasonableness based on the circumstances as you perceive them. There is **\*\*no "castle doctrine" or "stand your ground" law\*\*** in Queensland that gives blanket immunity or allows unlimited force simply because someone is in your home—actions are judged after the fact, and you could face charges (e.g., assault, grievous bodily harm, or murder) if police/prosecutors believe the force was excessive.

### ### Key Provisions

#### **\*\*1. Defence of Dwelling (Section 267)\*\***

It is lawful for a person in *peaceable possession* of a dwelling (your home) — and anyone lawfully assisting you — to use **\*\*force\*\*** to prevent or repel someone from unlawfully entering or remaining there, **\*\*if you believe on reasonable grounds\*\*** that:

- The intruder is trying to enter/remain with intent to commit an *indictable offence* (e.g., theft, assault, or more serious crimes), **\*\*and\*\***
- It is necessary to use that force.

This provision is somewhat broader than general self-defence for home invasions. Courts have noted it does **\*\*not strictly require\*\*** the same level of proportionality as other defences in some interpretations, recognising the sudden panic of a home invasion. However, the belief in necessity must still be reasonable, and excessive force can still lead to liability.

#### **\*\*2. Self-Defence Against Assault (Sections 271 & 272)\*\***

- **\*\*Unprovoked assault (s 271)\*\***: If you are unlawfully assaulted and didn't provoke it, you can use **\*\*reasonably necessary force\*\*** to defend yourself (or others). If the assault doesn't threaten death or grievous bodily harm (GBH), your force must not be intended or likely to cause death/GBH.
- If you reasonably fear death or GBH, you can use **\*\*any necessary force\*\***, even if it causes death or GBH.

- **Provoked assault (s 272)**: More limited. If you provoked the situation, you can only use force (including lethal) if the other person's response is so violent that you reasonably fear death/GBH and believe it's necessary to preserve yourself. Additional restrictions apply (e.g., you must have tried to retreat if possible, and you can't have started with intent to kill/GBH).

### **3. Defence of Property**

You can use reasonable force to protect movable property or prevent trespass (ss 274, 277–279), but **you cannot cause grievous bodily harm** just to protect property alone. Lethal force is generally not justified purely for property defence.

**Aiding others (s 273)**: You can use similar force to defend family members or others in your home.

#### **Example: Home Invasion with Gun or Knife**

- **If the intruder is armed and threatening you/family** (e.g., with a gun or knife, advancing aggressively): You can likely use significant force, including lethal force (e.g., shooting them with a licensed firearm if you have one, or using other available means like a bat or knife in self-defence), **if you reasonably believe it is necessary** to prevent death or serious harm. The response should be proportionate to the threat.

- **If the intruder is unarmed but breaking in**: Force must be more restrained. Using a weapon that could cause serious injury might be challenged as disproportionate, potentially leading to charges (though context like multiple intruders, time of night, or fear for family would be considered).

- You are **not required to retreat** in your own home, but you must not use more force than reasonably necessary in the circumstances.

- Post-incident, everything is scrutinised: your statements, injuries, weapons used, witness evidence, etc. The prosecution must disprove self-defence beyond reasonable doubt once raised.

#### **Important caveats**:

- **Reasonableness is key** and judged objectively (what a reasonable person in your position would do). Panic is considered, but "out of all proportion" responses risk conviction.

- Firearms: Using a gun in self-defence is possible if lawfully owned/possessed and the threat justifies it, but storage laws are strict, and misuse can lead to separate charges.

- There have been political pushes (e.g., by Robbie Katter) for stronger "Castle Law" reforms to reduce the risk of homeowners being prosecuted, but as of now, the law retains the reasonableness requirement.

**\*\*This is not legal advice.\*\*** Laws can be fact-specific, and outcomes depend on evidence. If facing a real situation or charges, contact Queensland Police (in an emergency: 000), then seek urgent advice from a criminal lawyer or Legal Aid Queensland. For prevention, consider security measures (alarms, cameras, lights) and know your lawful firearm/self-defence options. Always de-escalate or call police if safe to do so.

Self defense lessons here

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