

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

Submission No: 005

Submission By: Voice for Victims Foundation

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Introduction

The **Voice for Victims** Foundation is a Queensland-based charity providing guidance, practical support, and connection to services for victims of violent crime, ensuring they are not left to navigate the aftermath alone.

This submission is made with a clear and singular focus: the lived experience, safety, and dignity of victims of crime in Queensland.

For many Queenslanders, the home is no longer a place of certainty or safety. Victims of home invasions and unlawful intrusions consistently report ongoing trauma, loss of security, and long-term psychological harm. Any reform to the law governing the defence of dwellings must be assessed through this lens—how effectively it restores a sense of safety, agency, and justice to victims, while maintaining appropriate safeguards.

Position of Voice for Victims Foundation

Voice for Victims Foundation supports the passage of the *Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2026*.

This support is grounded in the lived experiences of victims across Queensland who have been subjected to home invasions and unlawful intrusions. For many, these incidents are not only physically dangerous but deeply traumatic, leaving lasting impacts on their sense of safety and wellbeing.

The Bill represents an important step toward recognising the right of individuals to defend themselves, their families, and their homes in circumstances where they are confronted with unlawful and often threatening behaviour. It provides greater clarity around when force may be used and acknowledges the realities of high-risk situations faced by victims.

Importantly, our support is provided on the basis that the legislation is understood and applied as a protective measure, not as a licence for retaliation. As outlined in this submission, the use of force must remain proportionate to the immediate threat and cease once that threat has ended.

Voice for Victims Foundation therefore supports the Bill, while also recommending targeted clarifications and safeguards to ensure it operates in a way that protects victims, reinforces community safety, and maintains appropriate legal boundaries.

Victim Experience and Context

Victims of home invasions do not experience events in calm, controlled, or legally precise circumstances. They are often:

- Woken suddenly at night
- Faced with unknown offenders and unclear intentions
- Acting under extreme fear, stress, and time pressure
- Making split-second decisions to protect themselves or others

In these moments, the expectation that a person can neatly assess proportionality or legal thresholds is not aligned with human behaviour under threat.

Many victims later report not only trauma from the incident itself but also fear of legal repercussions for actions taken in self-defence. This secondary fear can compound harm and undermine confidence in the justice system.

Key Elements of the Bill

The proposed section 267 introduces a framework allowing force where a person reasonably believes it is necessary to prevent unlawful entry or remaining.

It also provides circumstances where force likely to cause death or grievous bodily harm may be justified, including where the intruder:

- Enters at night
- Uses or threatens violence
- Is armed or appears to be armed
- Acts in company
- Damages property

Additionally, the Bill allows such force where the defender reasonably believes it is necessary to:

- Prevent an indictable offence, or
- Prevent death or bodily harm

These provisions are broadly aligned with a victim-focused approach, particularly in recognising the heightened risk factors present in many home invasion scenarios.

Limits of Defensive Action

While the right of individuals to protect themselves in their home is fundamental, it is equally important to clearly distinguish between defensive actions and retaliatory behaviour.

Voice for Victims Foundation does **not** support the pursuit of an offender once the immediate threat has subsided. The use of force must remain strictly connected to the purpose of preventing unlawful entry, stopping an ongoing intrusion, or protecting oneself or others from harm.

Once an intruder is retreating, incapacitated, or no longer poses an immediate threat, any continuation of force, particularly actions taken to chase or pursue the offender beyond the victim's property, falls outside the intent of self-defence and risks escalating harm, including to the victim themselves.

From a victim perspective, clarity on this boundary is critical. It protects victims from unintentionally crossing legal thresholds in the aftermath of a highly traumatic event and reinforces that their safety, not retribution, is the priority.

Recommendation:

That accompanying guidance and community education materials explicitly state that defensive force is limited to the period of immediate threat and does not extend to pursuing an offender beyond their property boundary once that threat has ended.

Areas for Consideration and Improvement

1. Clarity Around “Reasonable Belief”

While “reasonable belief” is a well-established legal standard, its application in the context of traumatic, fast-moving home invasions remains complex.

A victim-focused approach would recognise that:

- Perception of threat is often imperfect but genuine
- Decisions are made under duress, not reflection
- Fear responses may escalate quickly based on limited information

Recommendation:

Consider additional legislative guidance or explanatory material that explicitly acknowledges the circumstances of stress, fear, and urgency in which such beliefs are formed.

2. Recognition of Psychological Impact

The Bill is largely framed around physical harm and the prevention of offences. However, for victims, the psychological harm of an intrusion is profound and enduring.

The mere presence of an intruder in a home, particularly at night or in company, can create a legitimate and overwhelming fear for personal safety.

Recommendation:

Ensure that the interpretation of “necessary force” adequately reflects the legitimacy of responding to perceived threats of harm, including psychological terror, not just confirmed physical danger.

3. Avoiding Victim Criminalisation

One of the strongest concerns raised by victims is the possibility of being treated as an offender after defending themselves.

Even where charges are not ultimately laid, the investigative process itself can be deeply distressing.

Recommendation:

Accompany legislative reform with clear prosecutorial and policing guidance to ensure that genuine victims acting in self-defence are not unnecessarily subjected to criminal proceedings.

4. Community Understanding and Confidence

Legal reform alone is insufficient if victims do not understand their rights.

There is currently significant confusion within the community about what is lawful in a home invasion scenario.

Additional support for QPS is also needed to allow them to keep pace with ongoing changes, and they would benefit from enhanced interagency training to ensure appropriate and effective engagement with victims.

Recommendation:

Implement a public education campaign to clearly explain:

- The rights of occupants
- The limits of lawful force
- The protections available under the amended law

This will improve both confidence and compliance.

Conclusion

This Bill represents a meaningful step toward acknowledging the rights of Queenslanders to defend themselves in their own homes.

However, to fully meet the needs of victims, the law must go beyond technical legal thresholds and reflect the lived reality of fear, urgency, and trauma that accompanies home invasions.

A victim-focused framework should ensure that:

- Individuals acting in genuine fear for their safety are supported, not second-guessed
- Legal standards reflect real-world conditions
- Victims are not re-traumatised through the justice process

Voice for Victims Foundation supports the passage of this Bill as an important reform, while emphasising that its effectiveness will depend on clear guidance, appropriate safeguards, and a strong focus on victim outcomes.