

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

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To the Committee Secretariat and the relevant Parliamentary Members, this submission formally addresses the urgent need for legislative reform to prioritize the safety and legal certainty of law-abiding citizens who find themselves under the extreme duress of a home invasion. Under the current legal framework, victims are often subjected to a "proportionality" test that unfairly requires a traumatized resident to make split-second legal calculations while defending their life and property, often leading to secondary victimization through protracted criminal investigations or meritless civil lawsuits filed by the intruders themselves. We strongly advocate for the codification of a "Castle Doctrine" that establishes a legal presumption of reasonable force and grants absolute civil immunity to residents acting in defense of their household, effectively removing any perceived "duty to retreat" from one's own sanctuary. Furthermore, this protection must extend to domestic dogs, which are frequently the first line of defense; current laws that penalize or "destroy" a dog for biting an unlawful intruder are a subversion of justice that ignores the animal's role in household security. We propose a statutory exemption that prevents any dog from being declared "dangerous" or seized if it acts against a person committing a crime on the premises, while simultaneously increasing criminal penalties for intruders who harm these animals during an incursion. By shifting the burden of proof to the prosecution to prove "grossly disproportionate" force rather than forcing the victim to prove "reasonableness," the Parliament can ensure that the law decisively favors the protector over the predator and upholds the fundamental right to a secure and defended home.