

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

Submission No: 152

Submission By: David Harris

Publication: Making the submission and your name public

I write in strong and unequivocal support of the Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2026. This Bill represents a necessary and timely reform that restores balance to the law by reaffirming a fundamental principle: a person's home is their sanctuary, and they have the right to defend it. At its core, this legislation aligns the legal framework with the reasonable expectations of the community—that individuals should not be placed at legal risk for acting to protect themselves and their families within their own home.

There has been a growing disconnect between community expectations and the current legal position surrounding self-defence in dwellings. Law-abiding citizens expect that if they are confronted by an intruder—particularly in circumstances involving violence, intimidation, or the threat of harm—they should be able to act decisively. In those moments, individuals are forced to make split-second decisions under stress and fear. It is neither realistic nor fair to expect them to pause and consider complex legal thresholds before acting to preserve their safety. This Bill restores a common-sense approach by recognising the reality of these situations and supporting reasonable, instinctive actions taken in defence of one's home. This reform is not about encouraging excessive force or promoting vigilantism. Rather, it is about reinforcing accountability and deterrence. Individuals who unlawfully enter a dwelling do so in clear violation of the law and the personal security of others. The Bill sends a clear message that such conduct carries consequences, and that the law will not prioritise the rights of offenders over those of victims. By strengthening protections for occupants, the legislation contributes to a safer community and reinforces the expectation that people should feel secure in their own homes.

A further strength of the Bill is the clarity it provides. The current self-defence provisions can be complex and, at times, uncertain in their application, leaving individuals unsure of their legal position even when acting in genuine fear for their safety. This uncertainty can create hesitation in critical moments and anxiety in the aftermath of an incident. The proposed amendments simplify and clarify the law, ensuring that reasonable force used in defence of a dwelling is clearly recognised and protected. This clarity benefits not only residents, but also law enforcement and the courts, by providing a more consistent and understandable framework.

Ultimately, this Bill reflects a balanced and proportionate response to a real and legitimate community concern. It respects the rights of individuals to defend themselves while maintaining appropriate legal boundaries. It restores confidence in the justice system by ensuring that the law stands with victims, not offenders, in circumstances where individuals are forced to defend their home. For these reasons, I strongly support the passage of the Criminal Code (Defence of Dwellings and Other Premises—Castle Law) Amendment Bill 2026 and commend it to the Committee.