

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

Submission No: 182

Submission By: Nicholas Vesander

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Submission to the Justice, Integrity and Community Safety Committee

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

1. Position

I strongly support the introduction of stronger "castle law" protections in Queensland. Law-abiding citizens should have a clear and unquestionable right to defend themselves, their families, and their homes without fear of legal repercussions.

At present, the law places too much uncertainty on victims in high-stress, life-threatening situations. Individuals should not have to second-guess whether they will face prosecution for acting to protect their own safety.

2. Key Points

a) The home must be a place of absolute safety

A person's home should be their ultimate place of security. Anyone who unlawfully enters a dwelling assumes responsibility for the risks that follow. The law should clearly reflect that the rights of the homeowner outweigh those of the intruder.

b) Removing hesitation in life-threatening situations

When faced with a break-in or home invasion, hesitation can be dangerous or fatal. The law must empower individuals to act decisively, without fear of later legal consequences for protecting themselves or their family.

c) Legal protection for victims, not offenders

There is a strong community perception that current laws can favour offenders over victims. This Bill is an opportunity to restore balance by ensuring that those acting in genuine self-defence are protected from prosecution and prolonged legal stress.

d) Clear and practical legal standards

The law should be simple and easily understood: if an intruder unlawfully enters a home and a resident reasonably believes there is a threat, the resident should be protected when using necessary force.

3. Concerns

While I strongly support this Bill, clarity is essential to ensure:

- The definition of "reasonable belief of threat" is broad enough to reflect real-world situations
- The law does not place unrealistic expectations on victims to assess proportionality in seconds
- Legal protections are applied consistently and without unnecessary delay

4. Recommendations

- Introduce a clear legal presumption in favour of the homeowner when an unlawful entry occurs
- Ensure that individuals acting in self-defence within their home are protected from criminal liability unless there is clear evidence of excessive or malicious intent
- Reduce the likelihood of victims being subjected to lengthy investigations when acting in good faith
- Provide public education so residents understand their rights and responsibilities

5. Conclusion

This Bill is a necessary step toward restoring confidence in the legal system and reinforcing the fundamental right of individuals to feel safe in their own homes.

The law should stand firmly behind those who act to protect themselves and their families, not those who choose to violate the safety of others. Stronger protections are not only justified—they are essential.

Thankyou