



News

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Petition calls for law allowing homeowners to defend their property with 'whatever force is deemed appropriate' against invaders

'Why should they be in fear ... because intruders seem to have more rights?'



By Freddy Pawle



A petition calling for a controversial law that would allow homeowners to attack trespassers is close to being brought before NSW parliament.

Launched by [Moree Plains](#) councilor Kelly James and Libertarian Party member [John Ruddick](#) in July, the petition demands the state government introduce a 17th century English legal precedent known as "castle law".

Current NSW law grants legal protections for self-defence but certain conditions apply on a case-by-case basis. Castle law would instead enshrine a citizen's right to protect their property — or "castle" — from intruders using an appropriate amount of force to remove the threat.

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The petition calls for NSW residents to be able to defend their property with whatever force is deemed appropriate.

Castle law would be crucial for areas of regional NSW experiencing high rates of property crime.

property damage, in particular break and enters, James told /NEWS.com.au.

"There's a break and enter or a stolen car every night ... it's pathetic," she said.

"In a sudden home invasion, if somebody suddenly comes into your home it might be impossible for you to retreat or hide.

"It could be dangerous for you to do that and castle law recognises that immediate defensive action can be the only realistic option."

James said any persons entering a home "with a machete ... are not coming there to wash your dishes, they are coming there to cause harm".

"What force do you think should be used to get rid of that person out of your home?" she asked.

"Why should they be in fear in their own homes because intruders seem to have more rights than what the victims do?"

Both James and Ruddick also believe the potential threat of a resident fighting back against a home intruder will help reduce incidents of property crimes.

"People are a little bit more wary about going inside because that person could have a cricket bat, they could have baseball bat, they could have a gun," James said.

"We're really just talking about people being able to defend themselves with whatever they've got, it might be a hammer," Ruddick added.

"It's going to result in a reduction in crime."

While the petition has already attracted more than 11,800 signature from both metropolitan and regional areas, critics have pointed to castle law becoming the legal precedent for "stand your ground" laws in the US.

The controversial law allows varying levels of force to be used in self-defence either at home or in public, with some states granting legal protection for homicide under certain circumstances.

Ruddick stressed the petition would not allow for the "homeowner to be able to murder somebody just because the be stupid".

"The wording we're using in the bill said.

"So reasonable force would not then include murdering the person, unless of course they try to murder you.

"Most of the time that will not be the case, so we definitely want to have a cap on what you can do to protect yourself.

"We don't want random murders."

The petition is set to close on October 30 and needs a total of 20,000 total signatures to be eligible to be debated in state parliament.

It follows petitions in [Victoria](#) and [Queensland](#) calling for the introduction of the same law. The Queensland petition introduced by the [Katter](#) Party received just under 100,000 signatures in just over three months.

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