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Legislative Council

PETITION

Number: 683

Sponsored by: David Limbrick

Directed to: Attorney-General

Tabled on: 12 November 2025

Grievance:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the urgent need for clearer self-defence laws to better protect individuals and families in their own homes. Concerned community members believe that current self-defence provisions don't sufficiently allow people to protect themselves, their loved ones, and property from unlawful intruders. Under current Victorian law, self-defence is only available as a defence if it is in response to a perceived threat, a person must have a 'reasonable' belief that they are facing a threat to their life or serious bodily harm.

This is ambiguous and leaves law-abiding occupants vulnerable to criminal prosecution and/or civil proceedings, even when defending themselves against home invasions. In the United Kingdom, there are special provisions for self-defence in a person's home, where people only contravene the law if their actions are considered grossly disproportionate. This recognises that people have more at stake in defending their own home than they would in public. Australian law does not recognise this distinction.

The petitioners therefore request that the Legislative Council calls on the Government to amend legislation to provide more clarity and protection for self-defence in the home, in line with the United Kingdom approach.

Reply:

The safety of Victorians is of the highest priority for the Victorian Government. The government continues to monitor Victoria's criminal laws to ensure they remain effective and are in line with community expectations.

In Victoria, the law permits a person to act in self-defence in certain circumstances. Section 322K of the *Crimes Act 1958* provides that a person will not be guilty of an offence if the conduct constituting the offence is carried out in self-defence. Further, a person will have acted in self-defence if they believe the conduct is necessary to defend themselves, and there is a reasonable response in the circumstances as they perceive them.

As outlined in section 322K, a person may act in self-defence in circumstances including: the defence of the person or another person; the prevention or termination of the unlawful deprivation of the liberty of the person or another person; and the protection of property.

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Accordingly, the defence may be raised in situations involving home invasion or trespass, including where a person takes action to protect their family. As you would appreciate, whether a person can successfully rely on the defence depends on the specific circumstances of the case and is ultimately determined by a court or jury. The defence does not apply if a person is responding to lawful conduct, and additional requirements apply in the case of murder.

If your constituents have any immediate concerns for their own safety or that of others, or witness an offence in progress, they should contact Victoria Police by calling the emergency number '000'. Calls to '000' are assessed and responded to by the nearest available police personnel.

SIC

The Hon. Sonya Kilkenny MP
Attorney-General

15-12-2025