



Conditional Release Order



Court and Tribunal Services Division

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Conditional release order

A conditional release order allows an offender to go about their daily lives under certain conditions.

Offenders can be released with or without a surety, on conditions the court decides are needed to ensure the good behaviour of the offender.

A surety is someone who pledges or deposits money with the court as a sort of guarantee that the offender will not reoffend.

If the offender does end up back before the court, the money is not returned, but forfeited to the court.

When making a conditional release order, the court may also issue a spent conviction order.

If an offender does not reoffend under a conditional release order, their spent conviction order allows them to not have to disclose the conviction (except in special circumstances).

When is a Conditional Release Order imposed?

A Conditional Release Order can only be imposed on an offender if:

- there are reasonable grounds for expecting the offender will not reoffend during the term of the order
- the offender does not need supervising by a Community Corrections Officer.

What conditions are likely to be imposed?

A conditional release order may include any condition or demand considered necessary to secure the good behaviour of the offender — other than supervision by a Community Corrections Officer.

An offender might be asked to return to court at any time during a conditional release order, to confirm they are meeting the conditions of the order.

Will compensation be part of the conditional release order?

Compensation or restitution cannot be imposed as part of a conditional release order, but that doesn't mean an offender won't be ordered to return goods or pay some sort of compensation. That sort of order is quite separate from the conditional release order.

How will a conditional release order be enforced?

A conditional release order might be amended or cancelled if an offender has:

- misrepresented their situation in court or their situation changes so much that they can't comply with the requirements of the order.

If the release order is cancelled for this reason, the court may deal with the offender again, as though they have just been convicted.

Or, if:

- they have reoffended — particularly involving a crime demanding a term of imprisonment
- an offender doesn't comply with the conditions, their misconduct might be brought to the attention of the court for up to a year after the order finishes.

What happens if the order is breached?

If an offender does breach the order by not abiding by the conditions or by reoffending, they can be fined or dealt with again.

If they are dealt with again, the court will consider the degree to which they have complied with the order.

An offender who has breached a conditional release order may also lose the opportunity of a spent conviction order.