



# HIGH RISK SERIOUS OFFENDERS RESTRICTION ORDERS

This fact sheet has information that will help you if you are in prison and you might be placed on a High Risk Serious Offender restriction order.

If you are sentenced to a term of imprisonment for a 'serious offence', the State might apply to the Supreme Court for a restriction order.

## What is a 'serious offence'?

There are many offences which are 'serious offences'. They include sexual offences against children, rape, aggravated indecent assault, murder, manslaughter, grievous bodily harm, persistent family violence, deprivation of liberty, stalking, robbery, dangerous driving causing death, arson, possession or distribution of child pornography, and many more. If you are not sure whether you have been convicted of a 'serious offence', you should get legal advice.

## What is a restriction order?

There are 2 kinds of restriction orders: continuing detention orders and supervision orders.

### Continuing detention order

If you are put on a continuing detention order, you have to stay in prison indefinitely. There is no release date. You can only be released if the court makes a new order. The order will be reviewed after the first year and then every 2 years.

### Supervision order

If you are put on a supervision order, you must follow many rules when you are not in prison. These rules are called 'conditions'. Because there

are so many, it might be difficult, but it is very important that you do everything the court says.

## When will the application for a restriction order be made?

The application can be made 1 year before you might be released from prison.

## How does the court decide whether to put me on a restriction order?

### What happens at the hearing of the restriction order application?

The court first needs to decide whether you are a high risk serious offender.

The court will decide this if it believes there is an unacceptable risk that you will commit a serious offence, and it is therefore necessary to place you on a restriction order to protect the community.

If the court finds you are a high risk serious offender, it must make either a continuing detention order or a supervision order.

It is for the State to convince the court you are a high risk serious offender, but it is up to you to satisfy the court you will comply with the standard conditions of a supervision order.

The court's main concern is the protection of the community. If it thinks a supervision order is enough and you will follow all the rules, it might make a supervision order.

If the court thinks a supervision order is not enough to protect the community or it doesn't think you will follow all the rules, it will make a continuing detention order.

## What must the court look at?

In deciding whether you are a high risk serious offender, the court must look at many things, eg:

- any expert reports
- whether you cooperated in the examination by the expert
- any other assessments relating to you
- your criminal record
- whether you frequently commit the same type of offence
- any efforts you have made to understand why you have offended and to make sure it doesn't happen again, for example if you have done any rehabilitation programs
- if those rehabilitation programs have helped
- your performance on other court orders
- the need to protect the community.

## What can I do so I am not placed on a restriction order?

While you are in prison, do every course you can. Make sure you do not get into trouble in prison, and return negative urinalysis results. Try to make as many positive changes in your life as possible, and keep evidence of them.

When you talk to the experts who prepare reports on you, be polite and answer all their questions as best you can.

Arrange accommodation for when you get released from prison. Try to collect evidence that there is a plan for you in the community for when you get out of prison. This will help convince the court you are not a danger to the community.

The more assistance you can get with this, the better it will be for you. Try to get help arranging accommodation, submit NDIS applications if you can, and enrol in programs.

## What are some examples of positive changes?

Some examples of positive changes include if you have:

- found somewhere safe to live
- more family support in place
- started counselling
- completed courses
- if you were in a relationship with someone who was violent, separated from them
- stopped spending time with people who are a bad influence on you
- not gotten into any trouble in prison
- had clean results on urinalysis tests.

## What evidence do I need?

Evidence of positive changes would be:

- Certificates of any courses you have completed
- Letters from counsellors
- Letters from family members or friends that describe how they are willing to support you
- Any other reports which are positive.

## Where can I get help?

### Legal Aid WA

Call the Infoline to request a visit from our Prison Visiting Service, or ask the senior officer in your unit to put your name down for the next visit.

If you are Aboriginal or Torres Strait Islander, you can also call Legal Yarn.

### Aboriginal Legal Service of WA

Call (08) 9265 6666 or 1800 019 900 (Freecall).

### Outcare

Call (08) 6263 8622.

**Legal Aid WA contacts:** Website + Chat [www.legalaid.wa.gov.au](http://www.legalaid.wa.gov.au)  
Infoline 1300 650 579, Legal Yarn 1800 319 803.

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# High Risk Serious Offenders – Restriction Orders Flowchart

