



PAROLE – STATE OFFENCES

PART 1: APPLYING FOR PAROLE

This fact sheet will help you if you are an adult, have been sentenced to more than 6 months imprisonment for State offences and are eligible for parole. It will tell you how to apply for parole and what you can do if your application for parole has been denied.

When can I get parole?

Do I automatically get parole?

No, you can only get parole if the court has given an order which says that you can get parole (that you are “eligible for parole”).

Even if the court makes such an order, it does not mean that you will then get parole. Whether you end up getting parole depends on several things such as your behaviour in custody and other things.

How do I know when I get parole?

If the court has made an order that you are eligible for parole, the date when you can get parole (this is called the “Earliest Eligibility Date”) depends on your term of imprisonment.

If your term is 4 years or less, your Earliest Eligibility Date is when you have served half of your term.

If your term is more than 4 years, your Earliest Eligibility Date is when you have served 2 years less than your term. For example, if your sentence is 7 years, you can get parole after 5 years.

If you are not sure what your Earliest Eligibility Date is, you can ask your Case Officer at prison.

However, if you are in custody for other charges or for other reasons such as deportation or extradition, you cannot be released on parole.

What if I am sentenced to life or indefinite imprisonment?

If you are sentenced to life or indefinite imprisonment, see the fact sheet “Parole – State Offences: Life or Indefinite Imprisonment”.

How does the Prisoners Review Board decide on parole?

Release considerations

There are several things the Prisoners Review Board (the “Board”) must look at when it decides whether to give you parole (called “release considerations”):

- The risk to the community, including how likely it is that you will commit an offence on parole and the personal safety of anyone in the community.
- The circumstances and seriousness of the offence for which you are in custody.
- Anything said by the court that sentenced you to prison.
- Any issues for any victim of your offence.
- Your behaviour in custody.
- Whether you have participated in any programs in custody.
- How well you did on those programs.

- If you have been on parole before, your behaviour.
- The likelihood that you will commit an offence when on parole.
- The likelihood that you will follow all the parole rules (called “obligations” and “requirements”).
- Anything else that is relevant, including reports and other information.

What can I do to put myself in the best position to get parole?

There are several things you can do from the time you start your prison term, including:

- Take steps to address the reason why you committed the offence(s) – participate in and complete any rehabilitation programs available.
- Make plans for the future – arrange for somewhere to live, organise a job for when you get out, or plan to develop new skills to get a job.
- Keep out of trouble while you are in prison.

What if I can't get into a rehabilitation program?

If you can't get into a rehabilitation program, make a complaint. You can complain to the senior officer in your unit, the Superintendent, a prison visitor, the Director or the Ombudsman WA. You can also make a free call to the Administration of Complaints Compliments and Suggestions (ACCESS) on 1300 306 922.

Make sure to keep a record of all the times when you asked to participate in these programs.

When you later apply for parole, you can tell the Board about the efforts you made to get into these programs. If you are given parole, you could then participate in these programs while on parole.

What should I include in my application to the Board?

The Authorised Assistant Superintendent at the prison will complete a checklist and report with you and send them to the Board. You can also give the Board any other relevant documents.

You should make sure that the Board has the following information about you:

- What led to your imprisonment.
- Family, friends, partner.
- Past education and work history.
- Any past drug or alcohol problems.
- Your health and what you do in your free time.
- How you feel about the offences you committed.
- How you think the victims were affected.
- How you have tried to make changes to the sort of behaviour that got you locked up.
- How your past contributed to your offences.
- How you will change that when you get out of prison.
- Any offences that happened while you were in prison.
- What you have done in prison – recreation, education, work.
- How you got along with other prisoners.
- Your immediate and long term goals.
- How you will deal with your problems.
- Your main worries.
- Employment and training opportunities.
- Where you will live when you get out.
- Any plan you have to go back to school, TAFE or university.
- Plans to start or continue with treatment programs.
- Make sure that all your future plans are supported by letters which are signed and

dated (for example, a letter from your prospective employer or a letter confirming where you will live).

What if I am refused parole?

If you have been refused parole, you might be able to ask for a review or re-apply for parole.

When can I ask for a review?

You can ask for a review if the person who refused you parole did not comply with the law or was wrong about the law, or if they used incorrect or irrelevant information or was not given relevant information.

You must ask for a review in writing and explain the reasons why you are asking for a review.

You can only ask for a review once.

When can I re-apply for parole?

You can re-apply at any time and as many times as you like. However, you must show that your circumstances have changed since your last application for parole was refused.

For example, if you were refused parole because you still have treatment needs, you must show that you have participated in or completed the treatment programs you need and have done well on those programs.

Where can I get help?

Legal Aid WA

Call the Legal Aid WA 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 a Torres Strait Islander, you can also call Legal Yarn.

You can also ask for a copy of Legal Aid WA's Parole Information Kit.

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
Infoline 1300 650 579, Legal Yarn 1800 319 803.

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