

# **SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY**

## **PRACTICE DIRECTION NO 2 OF 2009**

### **ROBING OF PRACTITIONERS IN THE SUPREME COURT AND COURT OF APPEAL**

This Practice Direction replaces the previous version of the Practice Direction which was issued on 18 November 2009.

1. The Legal Profession Act 2006 provides for the admission of lawyers. The entitlement to practice as a lawyer in the ACT includes the right of audience before the Court.
2. Lawyers exercising their right of audience in matters before the Supreme Court and Court of Appeal should robe in the circumstances set out in this practice direction unless the presiding judicial officer otherwise orders.
3. In general, robes and any related attire are worn for:
  - a. Civil Trials;
  - b. Criminal trials (including pre-trial hearings and pre-trial applications for severance of indictments, admission of tendency evidence, exclusion of other evidence and the like);
  - c. Appeals (including Magistrates Court appeals);
  - d. All other final hearings including the final hearing of a separate issue;
  - e. The delivery of a reserved judgment in any of these matters, including judgments on interlocutory matters raised during any of these matters;
  - f. Any argument in relation to costs or final orders after delivery of judgment in any of these matters, including delivery of any reserved judgment as to costs or final orders.
4. Wigs are not worn in civil matters. Wigs are worn for ceremonial sittings, including admission ceremonies and in criminal matters (including Magistrates Court appeals).
5. Where practicable, robes should be worn for ceremonial sittings and admission ceremonies.
6. Robes are not worn for any other hearing including the hearing of an interlocutory issue or matters before a registrar;
7. The Table on the back of this Practice Direction sets out in detail the circumstances when robes and related attire are or are not worn.
8. Where practitioners are unaccustomed to wearing robes and related attire, it is expected that they will take the necessary steps to ensure that they fully understand the correct way in which such attire is to be worn.

<b>Court</b>	<b>Type of matter</b>	<b>Robes</b>	<b>Wig</b>
Court of Appeal	Directions before a single judge (civil)	No	No
	Directions before a single judge (criminal)	No	No
	Interlocutory application before a single judge (civil)	No	No
	Interlocutory application before a single judge (criminal)	No	No
	Hearing before three judges (civil)	Yes	No
	Hearing before three judges (criminal)	Yes	Yes
Full Court of Supreme Court	Hearing before three judges (civil)	Yes	No
	Hearing before three judges (criminal)	Yes	Yes
Supreme Court	Any hearing before the Registrar or Deputy Registrar	No	No
	Directions hearing, callover or mention before a judge (civil)	No	No
	Directions hearing, callover or mention before a judge (criminal)	No	No
	Bail application before a judge	No	No
	Interlocutory application (civil)	No	No
	Interlocutory application (criminal) (eg application related to severance of indictment, tendency evidence, exclusion of evidence)	Yes	Yes
	Trial or other final hearing (civil)	Yes	No
	Trial (criminal)	Yes	Yes
	Sentencing hearing	Yes	Yes
	Delivery of reserved judgment after a final hearing (civil)	Yes	No
	Delivery of reserved judgment after a trial or on sentence (criminal)	Yes	Yes
	Argument in relation to costs or final orders following a final hearing (civil)	Yes	No
	Ceremonial sittings of the Supreme Court	Yes	Yes

In this table, “Judge” includes “Associate Judge”.

By direction of the Judges

Annie Glover  
Registrar

11 November 2015

#### **Amendment History**

10 November 2015: This Practice Direction replaces the previous version of PD 2 of 2009 that was issued on 18 November 2009.