

SUPREME COURT OF THE AUSTRALIAN CAPITAL TERRITORY

PRACTICE DIRECTION NO 2 OF 2009

ROBING OF PRACTITIONERS IN THE SUPREME COURT AND COURT OF APPEAL

1. Lawyers exercising their right of audience in matters before the Supreme Court and Court of Appeal should robe in circumstances set out in this practice direction unless the presiding judicial officer otherwise orders.
2. Robes and wigs should be worn or not worn in the circumstances set out in Table 1 and Table 2.
3. Judges often conduct mixed lists which include matters where difficult robing expectations apply. Practitioners should wear robes and wigs in accordance with Tables 1 and 2 whether or not the judge is robed. Judges do not wear wigs.
4. Where practitioners are unaccustomed to wearing robes and related attire, it is expected that they will take necessary steps to ensure that they fully understand the correct way in which such attire is to be worn.

Table 1 Barrister robing

Court	Type of matter	Robes	Wig
Court of Appeal	Directions before a single judge	No	No
	Interlocutory application before a single judge	No	No
	Hearing before three judges	Yes	No
Full Court of the Supreme Court	Hearings before three judges	Yes	No
Supreme Court	Any hearing before the Registrar or Deputy Registrar	No	No
	Directions hearing, callover or mention before a judge	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	No
	Trial or other final hearing (including a hearing on separate question) (civil)	Yes	No
	Trial before judge or jury (criminal)	Yes	Yes
	Trial before judge alone (criminal)	Yes	No
	Taking of pre-trial evidence (where trial is to be heard judge with a jury) (criminal)	Yes	Yes
	Taking of pre-trial evidence (where trial is to be judge alone) (criminal)	Yes	No
	Sentencing hearing	Yes	No
	Delivery of reserved judgment after a final hearing (civil)	Yes	No

	Delivery of reserved judgment after a trial or on sentence (criminal)	Yes	No
	Argument in relation to costs or final orders following a final hearing (civil)	Yes	No
	Ceremonial sittings of the Supreme Court (Including admissions ceremonies)	Yes	Yes
	Supreme Court appeals (civil and criminal)	Yes	No
	Arraignment	Yes	No

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

Table 2 Solicitor robing

Type of matter	Robes	Wig
When appearing as counsel in a jury trial	Yes	Yes
Any other hearing in the Court of Appeal, Full Court of the Supreme Court or Supreme Court	No	No

By direction of the Judges

Jayne Reece

Registrar

5 May 2021

Amendment History:

- 18 November 2009: Original Practice Direction
- 10 November 2015: This Practice Direction replaces the previous version PD 2 of 2009 that was issued on 18 November 2009.
- 18 September 2019: This Practice Direction replaces the previous version PD 2 of 2009 that was issued on 10 November 2015.
- 5 May 2021: This Practice Direction replaces the previous version PD 2 of 2009 that was issued on 18 September 2019.