



Guidelines for Dress Standards in Court

Background

Good advocacy and professionalism carry some rules about dress and presentation. These guidelines, which have been established at the instigation of the Society's Young Lawyers' Committee and with input from the Society's Council and other stakeholders, seek to outline the dress standards generally accepted by the courts and provide assistance as to interpretation of the courts' standards. Practitioners are encouraged to refer to court rules, practice directions, dress codes or other court issued resources for guidance in the first instance - refer Appendix A. For courts that do not have any specific requirements or directions, the general principles below are offered as guidance.

Neat and appropriately formal dress and appearance in court is important because it helps to preserve the formality, seriousness and decorum of court proceedings and the tribunal process (even if the hearing is said to be "informal"), and the importance of the proper administration of justice.

Practitioners' attire when before a court or tribunal should reflect the solemnity and dignity of the courts, and the requirement of all officers of the court to respect the court, judicial officers and the profession. Practitioners should not overlook the fact that clients and the broader community also expect professionalism, which includes presentation.

Practitioners should also be mindful that the same standards and expectations apply when practitioners appear before the Court remotely via video link.

Attire that is unacceptable to a judicial officer may result in the matter being adjourned. Accordingly, if a solicitor finds themselves unexpectedly before the Court in inappropriate attire, it is appropriate to apologise to the Court, and to ask the Court to excuse his or her attire with a brief reason as to why he or she is so dressed.

The Court may provide notice of variations to the expectations as to appropriate attire on occasion, such as when extreme weather or other conditions affect the courtroom environment, for example.

Any of the guidance provided in this document should be ignored if the Court so directs.

General guidelines

1. When appearing in a jurisdiction/matter that requires lawyers to be robed, robes are generally to be worn, unless leave is granted - if in doubt, it is recommended to contact the Associate or Chambers to confirm. Professional dark dress or a bar jacket should accompany the robes and neckwear should be clean and pressed. Jabots should be worn the correct way around (two pleats at the front and three at the back). Practitioners should generally robe once inside the court building but prior to entering the courtroom, or at least prior to the Judge entering the courtroom - practitioners should avoid robing in the body of the Court whilst the Judge is on the bench.

2. When robes are not worn, practitioners should attend court wearing business attire, including a jacket (unless leave is granted otherwise or a jacket is not required in that jurisdiction).
3. Business attire that is likely to be considered suitable includes:
 - 3.1. a suit, with, for example, a collared button-up shirt and tie, blouse or top;
 - 3.2. pants; or a skirt or dress; with a jacket and business shirt or top (as per 3.1, above).
4. Attire that is likely to be considered inappropriate includes:
 - 4.1. clothing with disrespectful, obscene or offensive slogans or images
 - 4.2. jeans
 - 4.3. shorts
 - 4.4. thongs
 - 4.5. sunglasses
 - 4.6. hats or caps (excluding religious headwear)
5. Electronic devices should be turned off or placed on silent mode (unless otherwise required).
6. Practitioners who require greater guidance about the standards are encouraged to consult more senior colleagues.

Adopted by Executive: 27 April 2020

Amended by Council: 6 July 2020

APPENDIX A: Court Rules, Practice Directions and policies**High Court of Australia**

The High Court does not distinguish between different types of hearings. There is no formal policy on attire however when appearing before the High Court of Australia in the appellate jurisdiction, barristers wear what is customarily worn in the Court of Appeal or Court of Criminal Appeal of the state Supreme Court from which the appeal has been brought, and in the original jurisdiction, barristers wear what is customarily worn in the Court of Appeal of the Supreme Court in the state in which they ordinarily practice.

Usually if the matter is to be heard before a single Justice counsel are not required to robe.

There are some exceptions to those guidelines, for example if a single Justice hears an electoral petition it is in open court and requires robes or if a solicitor is appearing, they may not be entitled to robe depending upon the practice in their home jurisdiction. However, if counsel are unsure they should call the Registrar managing the matter and ask.

Federal Court of Australia**Notes:**

The Federal Court has developed national guidelines for the robing of counsel appearing before the court. Effectively, it provides as follows:

The following robing practices apply in the Federal Court, unless a judge otherwise orders, having regard to the nature or circumstances of a particular matter:

Wigs, full-bottomed or otherwise, are not worn on any occasion.

Robes, and any related attire, are worn for:

- *trials*
- *appeals*
- *all other final hearings, including the final hearing of a separate issue*
- *and for delivery of judgment after all such hearings.*

Robes are not worn for any other hearing, including the hearing of an interlocutory issue and matters before a Federal Court Registrar.

In the event of doubt, enquiry should be made of the associate to the presiding judge.

<http://www.fedcourt.gov.au/law-and-practice/practitioners/robing>

Family Court of Australia**Notes:**

Judges of the Family Court have dispensed with wigs and adopted a new gown. The court has also released a new robing policy.

Unless a judge otherwise orders, having regard to the nature or circumstances of a particular matter:

- Wigs are not worn on any occasion
- Robes, and any related attire are worn for trials, appeals, all other final hearings, the delivery of judgment and ceremonial sittings.

Federal Circuit Court

Notes:

On 9 August 2010 Chief Judge John H Pascoe AO CVO issued Practice Direction No 1 of 2010 Robing of Counsel in the Federal Circuit Court. The direction is effective from 6 September 2010 and provides:

The following robing requirements apply to the Federal Circuit Court (“the FCC”) in all of its jurisdictions:

- *Barristers will robe in final hearings before the FCC for all judgments, trials, and contested hearings in which oral evidence is to be adduced. Barristers will robe wherever the Court is sitting (including all circuit locations).*
- *Barristers should not robe in duty matters or for interim or interlocutory applications (unless such applications form part of a trial or a contested hearing in which oral evidence is to be adduced).*
- *Barristers will robe for ceremonial sittings.*
- *Wigs, full-bottomed or otherwise, are not worn in the FCC on any occasion.*

These arrangements are subject to contrary directions made by the presiding Judge - to take into account (for example) the nature of the venue in which the FCC is sitting, or the unavailability of air conditioning.

<http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/rules-and-legislation/practice-directions/2010/>

Fair Work Commission of Australia

Notes:

The Conduct and Behaviour information on the Commission’s website, in relation to attire, include:

There is no dress code, but most people attending the Commission dress neatly.

<https://www.fwc.gov.au/disputes-at-work/how-the-commission-works/conduct-and-behaviour>

Administrative Appeals Tribunal

Notes:

The AAT General Practice Directions and website do not include any information about attire.

Robes and wigs are not worn. Neat attire.

Supreme Court, District Court, Magistrates Court – Criminal & Civil & Probate Jurisdiction (pursuant to the Uniform Civil Rules 2020)

Notes:

The Uniform Civil Rules (R15.7) provide that the Chief Judicial Officer may determine what comprises appropriate attire for lawyers or other persons appearing or attending in Court. The

Registrar is to publish any such determinations on the CAA website. The Registrar has published the following additional information relevant to attire:

2. Attire – Rule 15.7

Barrister’s attire – Supreme and District Courts

- (1) The dress of a barrister appearing in court is to be black court coat or bar jacket, white jabot and gown (silk for Queen’s Counsel and Senior Counsel and stuff for junior counsel), dark trousers for men and dark skirt or trousers for women. As an alternative to the jabot, white bands may be worn with white shirt and winged collar.
- (2) Barrister’s attire is not required for directions hearings or for any other matter not heard in open court.
- (3) A barrister’s attire is at all times to be in a clean and neat condition.
- (4) Wigs will be worn in only when the Court is hearing criminal proceedings. Wigs will not be worn in civil proceedings or on ceremonial occasions.

Magistrates Court

- (1) Parties and all other visitors to a courtroom are not required to wear a suit but should be neat and smart. It is inappropriate to wear singlets, thongs, hats or sunglasses in the courtroom.
- (2) Legal Practitioners appearing in a court proceeding shall adopt a standard of dress which respects the importance of the exercise of judicial power to the parties and the community. In particular:
 - (a) men shall wear formal trousers, shirt, jacket and tie;
 - (b) women shall wear a style of clothing which is generally worn by women in conducting governmental, professional and commercial work of substantial importance (eg corporate wear).

[http://www.courts.sa.gov.au/ForLawyers/Pages/SC-RulesFormsFees-\(Current\).aspx](http://www.courts.sa.gov.au/ForLawyers/Pages/SC-RulesFormsFees-(Current).aspx)

(see Registrar and Principal Registrar Information under the Uniform Civil Rules 2020)

Notwithstanding that guidance, there may be hearings in the Supreme and District Court civil and criminal jurisdictions where robes are not required. For example, robes are not generally required for status or directions hearings unless specifically requested by the Court. General protocols can also be found at <http://www.courts.sa.gov.au/GoingtoCourt/Pages/Court-Behaviour.aspx>. These include:

It is traditional for Judges and lawyers to wear gowns in the Supreme and District Courts. The Magistrates and ERD Court, however, do not require gowns in Court.

Notes:

The Youth Court Rules and Practice Directions do not contain any provisions relating to attire.

Youth Court – Conferencing Unit**Notes:**

The Youth Court Rules and Practice Directions do not contain any provisions relating to attire.

Coroner’s Court of South Australia**Notes:**

General protocols can be found at <http://www.courts.sa.gov.au/GoingtoCourt/Pages/Court-Behaviour.aspx>. These include:

It is traditional for Judges and lawyers to wear gowns in the Supreme and District Courts. The Magistrates and ERD Court however, do not wear gowns in Court.

There are no provisions relating to attire on the Coroner’s Court webpage.

Environment, Resources & Development Court**Notes:**

General protocols can be found at <http://www.courts.sa.gov.au/GoingtoCourt/Pages/Court-Behaviour.aspx>. These include:

It is traditional for Judges and lawyers to wear gowns in the Supreme and District Courts. The Magistrates and ERD Court however, do not wear gowns in Court.

The ERD Court Rules and Practice Directions do not include any provisions relating to attire.

Wardens Court**Notes:**

The Warden’s Court Rules 2016 do not include any provisions in relation to attire.

SA Employment Tribunal**Notes:**

The SA Employment Practice Direction 31 regulates court attire and dress standard for all standard proceedings before the SAET, whether that be as a court, tribunal or industrial relations commission, as follows:

Court attire

Counsel will not wear legal robes in any proceedings.

Dress Standard

It is timely to remind legal practitioners and other advocates of the standard of dress to be worn in all proceedings before SAET. This expectation is in line with the standard of dress set by the Chief Justice for the Supreme, District, Magistrates, Youth and Coroner's Courts, being

Men shall wear formal trousers, shirt, jacket and tie

Women shall wear a style of clothing which is generally worn by women in conducting governmental, professional and commercial work of substantial importance (eg corporate wear).