

ATTIRE TO BE WORN BY BARRISTERS

This document briefly outlines the attire to be worn by barristers in the various courts, commissions and tribunals in the Federal and New South Wales jurisdictions. For information regarding the attire required for other jurisdictions, barristers are advised to contact the court in which they are appearing.

Note: There may be a small number of judicial officers who depart from the usual practice outlined. Where this is the case, whenever the judicial officer is robed, counsel should also robe. Where counsel are in doubt about whether the judge will robe or not, they or their clerk should contact the Judge's Associate to confirm the robing arrangements.

HIGH COURT OF AUSTRALIA

When appearing before the High Court of Australia, barristers wear what is customarily worn in the Court of Appeal of the Supreme Court in the State in which they ordinarily practise.

FEDERAL COURTS

Federal Court of Australia

Wigs, full bottomed or otherwise, are not worn in the Federal Court on any occasion.

Barristers robe (but without a wig) if it is the usual practice to robe in the Supreme Court of the state or territory in which the matter is being heard. As a general rule, robes are worn for ceremonial sittings, hearings and judgments (first instance or appeal), as well as for a bankruptcy list before a Judge but not for interlocutory matters (directions and notices of motion) or for the Corporations Law list.

Australian Industrial Relations Commission

The same rules apply as for the Federal Court of Australia.

Family Court of Australia

All Judges and Judicial Registrars robe for defended hearings. On these occasions counsel appear robed with wigs.

In duty matters generally neither the Judges or Judicial Registrars robe, but if they do (which usually only happens if they take a duty matter whilst running a defended hearing) general etiquette would require counsel to follow suit. The wearing of bar jackets by both Judges and counsel when dealing with duty matters is acceptable practice.

The Full Court judges robe but do not wear a wig. In New South Wales, consistent with the practice during defended hearings, counsel appearing before the Full Court are robed and wear wigs.

Some Judges choose not to wear a wig when robed, but the practice (in New South Wales Registries) is for counsel, unless invited to the contrary, to wear a wig.

In some States (W.A. excluded, where it is a State Court) the practice varies. For example, in Brisbane the practice is that Judges and counsel wear a wig into court, but generally, immediately after the court is opened, the judge removes his wig and counsel are expected to follow suit, but they remained robed.

Federal Magistrates Service

Counsel do not wear robes or wigs when appearing before the Court. Robes but not wigs are generally worn for ceremonial occasions.

Administrative Appeals Tribunal

Robes and wigs are not worn.

Australian Competition Tribunal

Robes and wigs are not worn.

Copyright Tribunal

Robes and wigs are not worn.

Defence Force Discipline Appeal Tribunal

Tribunal members do not wear robes and wigs when hearing an appeal or application for leave to appeal. A barrister appearing before the Tribunal within Australia wears the same attire as is required if appearing before the Court of Criminal Appeal or its equivalent in the State or Territory where that hearing is taking place.

Federal Police Disciplinary Tribunal

Robes and wigs are not worn.

NSW COURTS

**Supreme Court of New South Wales
(Including Court of Appeal and Court of Criminal Appeal)**

Barristers wear robes and wigs (full-bottomed wigs for silks) at all ceremonial sittings. The wearing of full-bottomed wigs by silks is generally reserved for ceremonial sittings.

Court of Appeal

Robes and wigs are worn for the hearing of all matters. It is not necessary to robe in the Court of Appeal Registrar's List.

Court of Criminal Appeal

Robes and wigs are worn for the hearing of all matters.

Common Law Division (Including Bails/Criminal and Administrative Law List)

1. Robes and wigs are worn for the hearing of all trials and (other than the matters hereinafter excepted below) for proceedings before judges and Masters relating to trials, such as applications for adjournments, settlements on the day fixed for the hearing of the trial and taking reserved judgments after trial.

2. Robes and wigs are not worn for bail applications or for mentions in which the accused will not be personally present.
3. In proceedings before judges, robes and wigs are not worn for the hearing of matters normally heard in the applications list or for directions hearings in either the Commercial List or the Defamation List.
4. In proceedings before Masters, robes and wigs are not worn (subject to 1. above).

Equity Division (Including Commercial List, Technology and Construction List, Admiralty List, Family Provision, Probate List and Protective List)

Robes and wigs are worn for all matters before judges (except matters dealt with in judges' chambers). Robes and wigs are also to be worn for matters before the Master when he or she substitutes for a judge (eg Family Provisions Act applications), but not for any other matters before a Master.

Land and Environment Court of NSW

Whether or not robes are worn in a particular matter depends upon the class of the matter, and not the nature of the hearing. Robes but not wigs are worn for all ceremonial sittings. Refer to table that follows.

Type of proceedings	Attire
<ul style="list-style-type: none"> • Class 3 compensation, encroachment, and boundary claims • Class 4 matters • Class 5 matters • Class 6 matters • Class 7 matters • Ceremonial sittings 	Robes are to be worn, but wigs are not to be worn.
For all other proceedings	Robes and wigs are not to be worn.

Industrial Relations Commission of NSW

Barristers do not wear robes or wigs in this jurisdiction. There is no ceremonial sitting or other event which requires robes or wigs to be worn.

District Court of New South Wales

The District Court does not have any rules governing the attire to be worn by barristers appearing before it. Barristers traditionally wear robes and wigs in the District Court except on chambers matters. Barristers do not wear a wig if the judge appears without a wig at the outset. For ceremonial occasions barristers wear robes and wigs; in the case of silk, full bottomed wigs are worn.

Compensation Court of New South Wales

Robes and wigs are worn in all appearances before judges, but not commissioners of the Court. Robes and wigs (full-bottomed for silk) are worn at ceremonial occasions.

Dust Diseases Tribunal

Robes and wigs are worn for the hearing of all matters other than at Directions Hearings and other interlocutory proceedings. The wearing of full-bottomed wigs by silks is reserved for ceremonial occasions.

Administrative Decisions Tribunal

Robes and wigs are not worn in the Administrative Decisions Tribunal including the Appeal Panel.

Drug Court of NSW

Robes and wigs are not worn in the Drug Court of NSW.

Local Court

Magistrates will be robed in Court commencing on Monday 5 December 2005.
Practitioners are not to be robed.

Workers Compensation Commission

Robes and wigs are not worn in the Workers Compensation Commission.