

SUPREME COURT (MISCELLANEOUS AMENDMENTS) RULES 2021

EXPLANATORY MEMORANDUM

The introduction of a **new Division 2.2** provides for a standard of court dress in the same terms as for the National Court, addressing such issues as collarless blouses, short-sleeved shirts, light-coloured trousers or skirts, yellowed bibs or tabs.

The introduction of a **new Division 2.3** provides a formal basis for Practice Directions.

The amendment of **Order 5, Rule 2** provides that the provisions of the new Order 7, Rule 62 are to apply also to an application for leave and an application for review from sentence of death.

The amendment of **Order 6, Rule 3(e)** makes the rule consistent with the associated form. The form provides that it can be signed by the lawyer for the applicant, but the rule is not clear.

The introduction of a **new Division 7.23** deals with the situation where a convicted person is seeking appeal or review and is unrepresented, so that that fact is not overlooked, and will be drawn to the attention of the Public Solicitor and perhaps made the subject of a direction

The repeal and replacement of **Order 11, Rule 26** is to remove the confusion which the wording of Rule 26 had introduced. It is to make it clear that the application to the full Court from the orders of a single Judge is not a new, separate appeal.

Note that a previous proposal to regulate the appearance of newly admitted lawyers in the Supreme Court so that at least for the first 12 months they are supervised by an experienced lawyer, has been abandoned due to many Judges expressing the view that it would involve an unwarranted restriction of a lawyer's right to practise lawyer conferred by the *Lawyers Act*.

JUSTICE CANNINGS
CHAIRMAN, RULES COMMITTEE
