**74/78**

## SUPREME COURT OF NEW SOUTH WALES

## *R v RAWCLIFFE*

**Street CJ, Taylor CJ at CL, O'Brien, Lee and Yeldham JJ**

**6 August 1976; 1 April 1977**

**(1973) 1 NSWLR 219; 32 FLR 252 (Noted 1 Crim LJ)**

**PROCEDURE – COURTROOM ATTIRE – STANDARD OF DRESS TO BE APPLIED – TWO PERSONS IN COURT IN CLEAN AND NEAT APPEARANCE – WHETHER THEY OFFENDED THE RULES AND DECORUM FOR DRESS IN COURT.**

Two jurors were stood down by the presiding judge as being unfit to serve as a juror for 'being improperly dressed'. Neither was wearing a coat

**THE CHIEF JUSTICE** said: The matter of courtroom dress is a topic to which attention is from time to time directed. Those having judicial, official or forensic duties to perform are expected to conform with well-established and customary requirements in the matter of dress.

Others, however, whether parties, witnesses, jurors, spectators or otherwise, come to the courts from various walks of life and for many differing purposes.

The presiding judge will take care to ensure that neither the appearance nor the conduct of such others as come to his court is such as to affront the dignity and decorum with which the proceedings in court should be attended.

But it must always be remembered that it is no part of a judge's function to seek to dictate standards of fashion in attire; he can only require that attire accepted in the community as appropriate to serious and important occasions will be worn, and where there is a variety of the kinds of attire which are accepted throughout the community as so suitable, due regard must be paid to that fact.

**TAYLOR J:** In this day and age in the summertime in the metropolitan area and the country it is commonplace for professional men and businessmen to go about their work and affairs without jackets.

In places of worship on the Sabbath, males attend without coats, and I would not have thought two gentlemen dressed as these two are said to have been, clean and neat in appearance, offended on a hot summer's day the rules and decorum for dress.

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