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**Queensland**

# **2024 UniSQ Secondary Schools Moot Competition**

**Seminar 2: Preparing and presenting submissions**

**Presented by Anton La Vin, Solicitor**

# Acknowledgement of Country

UniSQ acknowledges the First Nations of southern Queensland and their ongoing connection to Country, lands, and waterways. We pay deep respect to Elders past and present.

# Session Overview

- Preparing submissions:
  - Identifying legal issues
  - How to structure submissions
- Presenting submissions:
  - Overall structure
  - Court etiquette





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# Preparing submissions

- **Identifying legal issues:-**
- **Start with the Grounds of Appeal.**
- **For each ground, identify the law that applies.**
- **Identify each separate legal issue that must be addressed.**
- **Identify the facts that will be relevant for each legal issue.**



# The Grounds of Appeal

1. On the evidence received by the court, it was not open to conclude that ***the place where the drugs were found, being the motor vehicle, was occupied by or under the management or control of the defendant*** and therefore ***s 129(1)(c) of the Drugs Misuse Act 1986 did not apply***. In the absence of the application of s 129(1)(c) of the Drugs Misuse Act 1986 the defendant cannot be found guilty of the offences based upon the evidence received by the court.
  2. The judge erred in finding the defendant guilty of possession of the ***water pipe*** on the basis that ***some of the cannabis was contained in the water pipe***. There was ***no evidence*** to conclude that the water pipe was ***in the possession of the defendant***.
- Argument can only be made on the stated grounds of appeal.



# The law - statute

- Identify the relevant legislation for each ground – *Drugs Misuse Act 1986* s 9, s 10(2), s 129(1)(c)
- **S 9 (1)** A person who unlawfully *has possession* of a *dangerous drug* is guilty of a crime.
- **S 10(2)** A person who unlawfully *has in his or her possession anything* ... for use in connection with the administration, consumption or *smoking* of a dangerous drug ... commits an offence against this Act. Maximum penalty—2 years imprisonment.'





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# The law - statute

Section 129(1)(c) of the *Drugs Misuse Act 1986* - elements:

“Proof that a *dangerous drug* was at the material time - in or on - ***a place*** - of which that person was - ***the occupier*** - or - ***concerned in the management or control of***, is conclusive evidence that the drug was then in the person’s possession, unless the person shows that he or she then - ***neither knew - nor had reason to suspect*** - that the drug was in or on that place.”



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# Structure of submissions - ILAC

1. Identify the legal issue      - I – Issue
2. State the law                      - L – Law
3. Apply the law to the facts   - A – Application
4. Come to a conclusion        - C - Conclusion



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# Overall structure

- **Entry of appearance - Senior Counsel**
- **Senior**
  - **Explain the breakdown between counsel**
  - **Give an overview that sets up your side of the argument**
  - **Introduce the first submission**
  - **Make each submission**
  - **Conclude and handover to Junior Counsel**



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# Overall structure

- Junior
- Give an overview that sets up your side of the argument
  - Introduce the first submission
  - Make each submission
  - Conclusion



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# Court etiquette

## **Judges - 'Your Honour/s'**

- Always formal
- No 'Yep', 'Yeah' etc
- Don't exaggerate or embellish facts
- Be accurate with the facts and the law
- If you don't know the answer, just say so, e.g.  
"I can't answer that question your Honour"



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