



University of
**Southern
Queensland**



University of Southern Queensland

Secondary Schools Moot Competition 2024 Competition Rules

Competition Rules

1. Minimum requirements and numbers of teams

- 1.1 A maximum of 16 teams will be accepted on a first registered basis. Only one team per School may be registered.
- 1.2 The Competition will be held if at least 8 moot teams enter the preliminary round.

2. Registration

- 2.1 Information on how to register in this Competition also forms part of these conditions and Competition Rules.
- 2.2 Registration of moot teams in the Competition is by electronic submission of registration. Registrations open 9.00am Monday 22 April 2024 and close at 3:00pm Wednesday 1 May 2024. Late registrations may be accepted in the sole discretion of the Advocacy Coordinators.
- 2.3 It is a condition of registration and eligibility to compete in a moot round that:
 - a. Each member of a team and their accompanying teacher has completed and provided the UniSQ Talent Release Form to the Advocacy Coordinators prior to competing (embedded in registration process).
 - b. A teacher is accompanying the students to the moot and observes the conduct of the moot.

3. Teams

- 3.1 Each moot team must have a minimum of two members, and may have up to a maximum of 5 members. In any moot:
 - 3.1.1 A maximum of three team members may participate in the moot.
 - 3.1.2 There must be at least two members who will act as barristers.
 - 3.1.3 A third student may (but need not) act as the 'instructing solicitor'.
 - 3.1.4 Any team members not participating in a moot may be present and watch the moot, but must not communicate with the participating team members until the moot is concluded.
- 3.2 Only those team members who act as Barristers and Instructing Solicitor (if relevant) in the Grand Final moot are eligible for the **Turner Freeman Lawyers Prize** for the Winning Team.
- 3.3 The moot team members must be enrolled in Year 11 or Year 12 at the school. There is no requirement for entering the Competition that the students be Legal Studies students at the school.
- 3.4 Once the Competition begins, the Advocacy Coordinators have the sole and unlimited discretion to decide whether to allow a change to a team's membership. The Advocacy Coordinators will be increasingly reluctant to allow the replacement of team members as the rounds of the Competition progress.
- 3.5 In summary, a team may consist of between 2 and 5 students; any two students may participate in any particular moot as barristers and a third may participate as the instructing solicitor. It is up to teams to decide which team members will participate in any particular

moot. All team members can contribute to the preparation for the competition and any moot. Only those team members who compete as barristers and instructing solicitor (if relevant) in the Grand Final will be eligible for the **Turner Freeman Lawyers Prize** for the Winning Team.

4. Cost

There is no cost for entering the Competition.

5. Materials

After the registration of moot teams closes, the University will provide all moot teams with access to a set of materials, including -

- 5.1** These Competition Rules;
- 5.2** The moot problem;
- 5.3** The moot problem resources;
- 5.4** The Competition timetable;
- 5.5** Contact details; and
- 5.6** Information about mooting and courtroom protocol.

6. Topics

- 6.1** The moot problem is in the form of an appeal to the Court of Appeal of the Supreme Court of Queensland. Moot teams will therefore be assigned roles as representatives of the appellant or of the respondent in the Court of Appeal.
- 6.2** Moot problems are self-contained. Moot teams may make any credible legal argument, but are limited to drawing on materials only in the moot problem and the moot problem resources. References to cases and statutory materials made in argument in the moot must be those found in the moot problem and the moot problem resources. If a barrister refers to written material outside the provided content, then in the Judge's absolute discretion (or if in the final, the Judges' absolute discretion) that barrister may be awarded zero points.
- 6.3** The moot topic will remain the same throughout all rounds of the Competition. That means that teams may find themselves arguing for the respondent in one round, and the appellant in another.
- 6.4** It is possible that a fresh topic will be provided for the final. The preference is that the same problem that was used in earlier rounds will be used in the final, but if it appears that one of the finalist teams could be disadvantaged through the use of the same problem then a fresh problem may be developed. For example, if one team has tended to argue just one side of the case through the earlier rounds, and the other has had to argue both sides, then it may be thought that the teams have not had the same preparation, and as a result a new problem would be arranged. Every effort will be made to avoid this.

7. Contacts

The Competition is being organised by the School of Law and Justice at the University of Southern Queensland ('UniSQ' or 'the University'). Contacts at the University for the Competition are:



Administration (School Support Specialist) – Ms Kathy Pemberton: SSS-AcademicAffairs@unisq.edu.au

Advocacy Coordinator (Ipswich) – Mr Anton La Vin: anton.lavin@unisq.edu.au

Advocacy Coordinator (Toowoomba) – Dr Katie Murray: Katie.Murray@unisq.edu.au

Head of School, Law and Justice - Professor Jonathan Crowe: please contact Professor Crowe through Ms Anna Dean: SSS-LawandJustice@unisq.edu.au.

8. Coaching and preparation

- 8.1** Moot teams are encouraged to practise mooting before the Competition begins, and during different rounds of the Competition.
- 8.2** Coaching will be provided by the University by way of recorded sessions rather than in-person or individual online coaching sessions. Should schools wish to obtain additional coaching assistance, the University asks that schools try to secure professional instruction in advocacy, protocol and legal argument from any alumni or parents who are legally qualified.
- 8.3** This is a competition between the students that comprise the teams. As such coaches, teachers and any non-team members are not permitted to:
 - 8.3.1 Provide teams or team members with submissions in written or verbal form.
 - 8.3.2 Provide teams or team members with detailed outlines, case summaries or other prepared materials in respect of the legal issues that apply.
- 8.4** Coaches and teachers are permitted to:
 - 8.4.1 Provide teams and team members with advice on court procedure, etiquette and technique.
 - 8.4.2 Guide teams and team members in respect of what may or may not be a suitable submission, where teams or team members have developed or drafted the submission themselves.
 - 8.4.3 Guide teams and team members in the type of preparation they should undertake.
 - 8.4.4 Hold practise sessions including where the coach or teacher acts as a judge in a role play situation and asks questions of the team and team members and provides them with feedback on their performance.
 - 8.4.5 Give the team and team members general guidance on the relevant law that applies.
- 8.5** A coach may also serve as a moot judge in the Competition. However, a coach will not be permitted to judge any moot that includes a team from the school that the coach assisted.

9. Competition structure

- 9.1** Rounds: The Competition will have three rounds: a preliminary round, semi-finals and a final.
 - 9.1.1 Preliminary round.** The preliminary round will comprise two moots for each moot team. After every moot team has mooted twice, the four teams that have scored the highest ladder points in the two moots will progress to the semi-finals. If for any reason a moot team that has ladder points in the highest four cannot continue in the Competition, the team with the next highest ladder points will be offered promotion

to the semi-finals. For the purposes of this Rule, ladder points are calculated in accordance with Rules 9.19 and 9.20.

9.1.2 Semi-finals. The semi-final is a knock-out competition. Only the winning team in each semi-final will progress to the Grand Final. If for any reason a winning team cannot continue in the competition, the next highest scoring team from the relevant round will be offered promotion.

9.1.3 Final. The final will be held on Sunday 18 August 2024, at the Toowoomba campus during the UniSQ Open Day.

9.2 The moots: Subject to Rule 9.7, moots will be allocated to teams by random ballot.

9.2.1 The University will advise all teams of the timetable for the preliminary round as soon as possible after registrations have closed.

9.2.2 The University will advise all teams of the timetable for subsequent rounds once the previous round is completed.

9.2.3 Without limiting paragraph 11.6, the University reserves the right to make changes to the timetable for all rounds after it has been released. Where this occurs, the University will endeavour to provide teams with as much notice as possible.

9.3 Submissions: All argument in all moots will be oral only. There will be no written submissions.

9.4 Teachers present: A condition of registration is that a teacher at the school will accompany students to the moot, and be present while the moot is conducted.

9.5 Observers: Family and friends of the members of the moot teams may sit in the Moot Court and observe the moot.

9.6 Moots of two competing teams: In general, the strong preference is that each moot will involve a one moot team (the appellant) mooting against one other moot team (the respondent).

9.7 Moots of three competing teams - preliminary round: It may become necessary in the preliminary round to arrange for three teams to compete in the one moot ('a three team moot') if there are odd numbers of teams or in the event that one or more teams withdraws from the competition after the competition draw has been released. In a three team moot, one team will be the first appellant, a second will be the respondent, and a third will be the second appellant. In these cases, the second appellant team will sit outside the Moot Court while the first appellant argues its case. After the first appellant closes its argument, the second appellant may enter and sit in the Moot Court while the respondent argues its case. The first appellant team must leave the Moot Court when the second appellant team argues its case. I.e, both appellant teams will hear the respondent's argument, and the respondent will hear both appellant teams' arguments. Neither appellant team would hear the other appellant's argument. The two teams (out of three) that score the highest points will, will, as set out in Rule 9.17, be awarded two (2) ladder competition points. The team that scores the lowest points will, as set out in Rule 9.17, be awarded one (1) ladder competition point. All three teams will be eligible for ladder bonus points as set out in Rule 9.17. It is assumed that, on entering the Competition, schools accept the possibility that teams may end up in a three team moot.

9.8 Time and venue

9.8.1 Moots will be held at a time nominated by the University.

9.8.2 Moots will be conducted in the Wonderley & Hall UniSQ Moot Court on the University's Toowoomba Campus or the Moot Court on the Ipswich Campus.

9.8.3 The Advocacy Coordinators may arrange a different time for a moot if that it is to the mutual convenience of the moot teams and the moot judge.

9.9 The conduct of the moot: Subject to Rule 9.12, each moot team will be given 20 minutes to argue its case. Each barrister will be expected to present her or his argument for approximately 10 minutes. The Advocacy Coordinators will appoint a timekeeper for each moot. The timekeeper will indicate when 10 minutes have elapsed for each barrister, who must then conclude his or her submissions as soon as possible. If the moot team has an instructing solicitor, he or she may assist the barristers by quiet instruction (ie, handwritten notes). There is no reply to the other side's submissions.

9.10 The conduct of the moot final: The Advocacy Coordinators or the panel of judges for the final may advise the moot teams competing in the final that a period longer than 20 minutes may be allowed for each moot team to argue its case.

9.11 Dress: All moot team members must dress in school uniform for a moot, and preferably in the most formal school uniform available.

9.12 Questioning: The moot judge will question each barrister. Moot teams should expect that questioning will be relatively light in the preliminary round, but will progressively become more interventionist in the finals. Barristers are expected to alter their arguments as a consequence of questioning. Questions are expected to be dealt with inside the 10 minutes allocated to each barrister, and so if, in the process of answering the moot judge's questions, the barrister has less time to address the argument she or he prepared, the barrister should adjust the argument accordingly.

9.13 Moot judges: The moot judge will be a legal academic, a practising lawyer or a judicial officer (magistrate or judge). Unless the Advocacy Coordinators direct otherwise, there will be one moot judge for each moot in all rounds before the final. There will be a panel of three moot judges in the final.

9.14 Judging criteria: The moot judges' primary responsibility will be to identify the best team in the moot (as measured by the judging criteria). Naturally, the moot is an argument about a point of law, and in a real appeal the judges must decide that point of law. However, in a moot, the moot judges may or may not determine the point of law itself. In this Competition, the moot judges will not necessarily give judgment on the point of law being argued - but may opt to do so if they wish. If the moot judge does decide the point of law, the team that succeeds on the point of law may not necessarily be the team that wins the moot itself. Rather, the moot judge will be required to assess the teams in the moot against the following fixed criteria:

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| • Adherence to protocol and etiquette: | 20% |
| • Demonstration of relevant legal knowledge: | 20% |
| • Oral presentation & development of argument: | 30% |
| • Ability to answer questions: | 30% |

The judging criteria are set out in the Moot Marking Sheet that is provided to all moot judges. Each barrister will be given a score out of 100, and each team will therefore be given a score out of 200 (adding its two barristers' scores together).

9.15 The judge must declare a winning moot team: After giving points and determining a winning moot team of the moot, the moot judge or one moot judge for the panel must

declare the winning moot team. It is not permissible for a moot judge to declare a moot as being tied. The winning team for each moot will be the moot team that secures the highest number of points awarded in accordance with the judging criteria. For a three team moot, the two teams (out of three) that score the highest points will be the winning teams.

9.16 Feedback. Feedback will be provided orally to both teams at the end of each moot. At the end of each round, teams will receive an email confirming:

- Win/Loss
- No. of bonus points.

No additional written feedback will be provided. Individual barristers' scores will remain confidential, but may be provided to the teacher of the moot team to which they belong on request.

Points for and against will not be disclosed unless it becomes necessary to calculate them under Rule 9.18. An opposing team's score may be shown to a teacher if the calculation of ladder points in accordance with Rules 9.17 and 9.18 is questioned.

9.17 Preliminary round - ladder points. The aim in the preliminary round is to give each moot team an opportunity to moot twice, and to identify four moot teams that qualify for the semi-finals. The initial means for identifying the four teams that qualify from the preliminary round is the compilation of a team ladder, ranked according to *ladder points*. Ladder points are awarded to each team for each of the two moots, and comprise the aggregate of *ladder competition points* and *ladder bonus points*. Ladder bonus points are awarded for good performance by reference to absolute scores..

Ladder competition points are awarded in each moot as follows -

Forfeiture, or failure to appear	Loss in moot	Win in moot
0	1*	2

* In a three team moot, the two highest scoring teams will be awarded 2 points, and the lowest scoring team will be awarded one point.

Ladder bonus points are awarded in each moot as follows -

Team Score < 160	Team score 160 (win or loss)	Team score 180 (win or loss)
0	1	2

Example. Moot 1 in the preliminary round was a three team moot. Team A scored 180, team B scored 169, and team C scored 158 points.

For this moot, team A would be awarded 4 ladder points: 2 ladder competition points for the win, and 2 ladder bonus points for having a score equal to 180.

Team B would be awarded 3 ladder points: 2 ladder competition points as the second-highest scoring team in a three team moot, and 1 ladder bonus point for having a score higher than 160 but lower than 180.

Team C would be awarded 1 ladder competition point.

- 9.18 Finalising the ladder.** After every moot team has mooted twice, the four moot teams with the highest ladder points will be identified. If there are more than four teams that share the highest four ladder points, then moot teams that share the same number of ladder points will be distinguished by reference to the aggregate net points awarded for and against them in both moots. For teams that mooted in three team moots, the relevant points against will be the higher of the points awarded to the two teams against them.

Example. Team C and Team H both scored 3 ladder points. There were seven teams with higher ladder points. Over the two moots, team C scored 339 points (158 + 181), and had 342 points scored against them (in moot 1, team A's 180 points and, in moot 2, team M's 162 points). Team C has -3 points for and against. Team H scored 344 points, but having competed against a very high-scoring team A in moot 2, had 350 points against. Team M has -6 points for and against. On this basis, team C would be ranked the eighth highest team, and progress to the quarter finals.

10. Prizes

- 10.1** The winning moot team:

10.1.1 Each barrister and instructing solicitor (if applicable) of the winning moot team who appears in the final will share the **Turner Freeman Lawyers Prize for the Winning Team**, worth **\$1500 in cash**.

10.1.2 The name of the winning moot team will be inscribed on a perpetual trophy for the Competition.

- 10.2 Grand Final Bursary:**

10.2.1 Each member of the winning team and runner-up team in the Grand Final will be eligible for a \$300 bursary, offered by the University of Southern Queensland. The bursary will be given on the condition that the relevant team member enrolls to study at the University of Southern Queensland in 2025 or 2026. The Bursary shall not be redeemable or transferable for cash. Ancillary cost in taking up the Bursary is the responsibility of the winner and not UniSQ. The bursary may only be taken at the University of Southern Queensland, and the normal academic standards and conditions of entry to the University are still required of students.

- 10.3 Participants:** All participating moot team members will receive a Certificate of Participation. For those who participated in teams that reached the semi-finals, the Certificate of Participation will also indicate achievement in the final rounds of the Competition.

11. Appeals

- 11.1** Any decision relating to these Competition Rules, their interpretation and application as well as any other matter in respect of this competition is in the sole discretion of the Advocacy Coordinators in consultation with the Head of the School of Law and Justice.
- 11.2** By registering for this Competition, all team members and schools agree to be bound by any decisions of the Advocacy Coordinators or the Head of the School of Law and Justice.
- 11.3** If any school or moot team is dissatisfied with any matter in respect of the conduct of this Competition, they should immediately contact the Advocacy Coordinators by email and give details of the matter and their preferred solution. The Advocacy Coordinators will attempt to provide a response to the email within 48 hours of receiving it. If the school or moot team

is dissatisfied with the response, they should immediately inform the Advocacy Coordinators who will refer the matter to the Head of School who will then deal with the matter. There is no right of appeal from any decision in respect of the conduct or the result of any moot conducted in this Competition.

- 11.5** The moot judge or, in the final, the panel, in any moot is the sole arbiter of any matter relating to the moot, including judging, scoring, time allocations, questions of law and facts.
- 11.6** UniSQ does not accept any responsibility for late, lost, incomplete, incorrectly submitted, delayed, illegible, corrupted, or misdirected registration, claims or correspondence, whether due to error, omission, alteration, tampering, deletion, theft, destruction, transmission interruption, communications failure or otherwise.

UniSQ reserves the right in its sole discretion (including in response to any health advice or governmental directive) to cancel, terminate, modify or suspend the Competition including extending the end date for the final of the Competition or varying the time of any moot. UniSQ also reserves the right to disqualify any individual or team who UniSQ has reason to believe has breached any of these conditions, or engaged in any unlawful or other improper misconduct calculated to jeopardise the fair and proper conduct of the Competition.

Neither UniSQ nor any of its employees, contractors, volunteers, agents, sponsors and suppliers associated with this Competition will be liable for any liability, loss, damage, or expense (including direct, indirect or consequential loss or loss of profits) suffered or incurred (whether or not arising from any person's negligence arising out of, or in connection of the Competition, including if you are a Winner, your use of the Prize or Scholarship; except for any liability which cannot be excluded by law (in which case that liability is limited to the maximum allowable by law)). This clause survives the conclusion of the Competition.

All decisions of UniSQ in relation to the conduct of the Competition are final, binding and conclusive and no correspondence will be entered into.

A student's personal information as defined by the *Information Privacy Act 2009* (Qld) may be collected, used and disclosed by UniSQ for university and competition purposes and other incidental and associated functions and activities including disclosure of the student's personal information in publications made available to the public throughout the world by use of on-line, print and other media services and communication tools. A request to access, update or correct any Personal Information held by UniSQ should be directed to the UniSQ Privacy Officer at privacy@Unisq.edu.au.



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