

Competitions Rules

UTS Law Students' Society

| | |
|------------------|----------------|
| Issued by | |
| Version | 1.0 |
| Date | 20 August 2021 |

Version History

| Version | Issuer | Changes |
|---------|--------|---------|
| v 1.0 | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Document Control

| Person | Role |
|---|---------------------|
| President | Approver (Sign-off) |
| Secretary | Reviewer |
| Vice-President (Mooting) | Approver |
| Vice-President (Skills Competitions) | Approver |
| Subject Mooting Director 1 | Contributor |
| Subject Mooting Director 2 | Contributor |
| Mooting Development Director | Contributor |
| Intervarsity Mooting Director | Reviewer |
| Client Interview Director | Contributor |
| Negotiation Director | Contributor |
| Witness Examination Director | Contributor |
| Intervarsity Skills Competitions Director | Reviewer |

Table of Contents

| | | |
|--|--|-----------|
| 1 | Application of these rules | 4 |
| 2 | Eligibility to compete | 4 |
| 3 | Authority of persons | 5 |
| 4 | Standards of behaviour | 5 |
| 4.1 | Competitors | 5 |
| 4.2 | Judges | 6 |
| 4.3 | Client Interview volunteers | 7 |
| 5 | Competition materials | 7 |
| 6 | Appeals | 8 |
| 6.1 | Appeals to the Responsible Person(s) | 8 |
| 6.2 | Appeals to the Competition Appeals Panel | 8 |
| Appendix 1: Client Interview | | 10 |
| A | Teams | 10 |
| B | Competition structure | 10 |
| C | Release of memorandum | 11 |
| D | Judging | 12 |
| E | Penalties | 12 |
| Appendix 2: Mooting | | 13 |
| A | Teams | 13 |
| B | Competition structure | 13 |
| C | Release of questions | 15 |
| D | Research and preparation | 15 |
| E | Written submissions | 15 |
| F | Oral Submissions | 16 |
| G | Judging | 17 |
| H | Penalties | 18 |
| Appendix 3: Negotiation | | 19 |
| A | Teams | 19 |
| B | Competition structure | 19 |
| C | Release of questions | 21 |
| D | Judging | 22 |
| E | Penalties | 22 |
| Appendix 4: Witness Examination | | 23 |
| A | Competition structure | 23 |
| B | Release of questions | 25 |
| C | Judging | 25 |
| D | Penalties | 26 |
| E | Witnesses | 26 |
| F | Coaching and materials | 27 |

1 Application of these rules

- 1 These rules apply to:
 - a) internal Mooting competitions run by the Mooting portfolio, and
 - b) internal Skills competitions run by the Skills Competitions portfolio, and
 - c) all competitor selections for intervarsity competitions.
- 2 The purpose of these rules is to ensure that the administration and procedure relating to the initiatives in r 1 are orderly, fair, and consistent.
- 3 These rules bind participants in an initiative listed in r 1, and a participant is taken to have actual knowledge of these rules.
- 4 These rules are subject to any rule contained in the Society Constitution or By-Laws.
- 5 The Society Constitution or By-Laws shall prevail in the extent of an inconsistency with these rules to the extent of the inconsistency.

2 Eligibility to compete

- 6 Competitors must be
 - a) actively enrolled in an undergraduate or postgraduate law degree at UTS; and
 - b) a member of the UTS LSS.
- 7 Competitors who are not actively enrolled, by way of deferral of studies or otherwise, are precluded from entering the competition.
- 8 Competitors who are studying a combined law degree and are undertaking only non-law subjects in any given semester are not precluded from competing.
- 9 Where a Competition is run as a 'Junior' competition, then participation is restricted to:
 - a) first-year and second-year law students; and
 - b) those who have not competed in that type of competition previously.
- 10 Competing in The Gauntlet will not enliven r 9b).
- 11 The Responsible Person(s) for a Competition may reject a competitor's registration if the number of teams has reached capacity. Capacity will be determined by the Responsible Person(s), based on availability of rooms, judges and any other factor deemed relevant. The participant or team is to be notified of this decision in writing by email.
 - a) A waiting list may be constructed in the event of an over-capacity of registrations.
 - b) All registrations are considered on a first-come-first-serve basis.
- 12 Competitors must register for a Competition by the registration date as set by the Responsible Person(s) for that Competition.
- 13 The Responsible Person(s) for a Competition may reject a competitor's registration if that competitor has a history of non-compliance with these rules. Registration may only be

rejected for one year following non-compliance. Competitors will be notified of this decision in writing, by email.

- 14 If a competitor feels that their registration has been arbitrarily rejected, they may appeal that decision to the Competitions Appeals Board subject to Part 6.
- 15 Where a team registers for a competition, but a member of that team is not eligible to compete due to any rule contained in this Part, then that team is disqualified subject to the discretion of the Responsible Person(s).
- 16 Rule 15 does not preclude the other team members from re-registering either individually, or as part of a new team subject to the discretion of the Responsible Person(s).

3 Authority of persons

- 17 The Responsible Person(s) are those persons responsible for a competition subject to the Society Constitution and By-Laws.
- 18 A person may only make a decision in relation to a competition for which they are named as the Responsible Person(s).
- 19 The Responsible Person(s) may propose any amendment to the rules for the competition for which they are the Responsible Person(s), however such an amendment requires the approval of:
 - a) The President; or
 - b) The Vice-President (Mooting); or
 - c) The Vice-President (Skills Competitions).
- 20 Any person may propose an amendment to this Part, or Parts 1, 2, 4, 5 or 6, however such an amendment requires the approval of:
 - a) The President; and
 - b) The Vice-President (Mooting); and
 - c) The Vice-President (Skills Competitions).

4 Standards of behaviour

- 21 A breach of this Part is established on the balance of probabilities.

4.1 Competitors

- 22 Competitors will receive a grace period of 24 hours to withdraw from all competitions.
- 23 Should a competitor withdraw from a competition after this grace period without substantial evidence and reasoning, a penalty will occur as per r 30.
 - a) It will be at the discretion of the Responsible Person(s) as to the penalty imposed with sufficient evidence and reasoning for withdrawal.
- 24 A competitor must not forfeit any round of a competition, without a reasonable excuse.
- 25 What is considered a reasonable excuse, for the purposes of this Part, is left to the discretion of the Responsible Person(s).

- 26 A competitor must not harass, intimidate, abuse, or otherwise make uncomfortable, any other competitor, volunteer, or judge.
- a) This includes contacting a judge and threatening to appeal the outcome of a round.
- 27 A competitor must not act in a way that jeopardises the integrity, administration, or operation of a competition.
- 28 A competitor must disclose to the Responsible Person(s), any material fact which could adversely affect the result of a match, the integrity of the competition or the scoring of teams.
- This includes:
- a) that a competitor has received outside assistance, inadvertently or intentionally;
- b) that a competitor is in possession of, or aware of, resources, or competition materials as defined in r 46, which give a competitor an advantage over others; and
- c) that a judge or volunteer failed to act impartially or assisted a competitor.
- 29 A competitor, who is also a UTS LSS Councillor, that is competing in a round of a competition is not permitted to utilise the UTS LSS office for any reason on the day of that round.
- 30 The Responsible Person(s) may apply a penalty for a breach of this Part causing:
- a) the immediate disqualification of the competitor in breach; or
- b) the blacklisting of the competitor from registering for, or competing in, any UTS LSS competition for a period of up to 12 months commencing from the date of the breach; or
- c) both disqualification and blacklisting.
- 31 Where a competitor competes in a team, the Responsible Person(s) may apply the penalty to the whole team.

4.2 Judges

- 32 A judge is expected to act in a way that is impartial, fair, and professional.
- 33 A judge must not participate in a round involving competitors with whom they have a conflict of interest, unless otherwise agreed between the competitors.
- 34 A conflict of interest arises between a judge and a competitor where the relationship between the judge and the competitor would give rise to actual bias in favour of or against the competitor.
- 35 A conflict of interest may arise in the following situations:
- a) a close family relationship;
- b) a close personal friendship; or
- c) a sexual or emotional relationship.
- 36 A judge must disclose any conflict of interest to the Responsible Person(s) within twenty-four (24) hours of being made aware of the conflict of interest.
- 37 If the competitor has raised a conflict of interest before the round, the Responsible Person(s) should endeavour to mitigate the conflict of interest.

- 38 Where a match is tainted by a conflict of interest, the Responsible Person(s) may order a rematch.

4.3 Client Interview volunteers

- 39 A Client Interview volunteer is expected to act in a way that is impartial, fair, and professional.
- 40 A Client Interview volunteer must not participate in a round involving competitors with whom they have a conflict of interest, unless otherwise agreed between the competitors.
- 41 A conflict of interest arises between a Client Interview volunteer and a competitor where the relationship between the Client Interview volunteer and the competitor would give rise to actual bias in favour of or against the competitor.
- 42 A conflict of interest may arise in the following situations:
- a) a close family relationship;
 - b) a close personal friendship; or
 - c) a sexual or emotional relationship.
- 43 A Client Interview volunteer must disclose any conflict of interest to the Responsible Person(s) within twenty-four (24) hours of being made aware of the conflict of interest.
- 44 If the competitor has raised a conflict of interest before the round, the Responsible Person(s) should endeavour to mitigate the conflict of interest.
- 45 Where a Client Interview match is tainted by a conflict of interest, the Responsible Person(s) may order a rematch.

5 Competition materials

- 46 Competition materials includes, but is not limited to:
- a) problem questions;
 - b) correspondence with the Responsible Person(s);
 - c) scoresheets;
 - d) judging aids such as guidelines and workshop materials; and
 - e) memorandums.
- 47 Judges, client interview volunteers and competitors must not, without prior written consent from the Responsible Person(s), discuss or distribute competition materials to any other person, regardless of whether they are registered to compete in a UTS LSS Competition.
- 48 Judges, client interview volunteers and competitors must not access any competition materials in bad faith.

6 Appeals

49 Where a competitor feels that these rules have been incorrectly applied, they are entitled to lodge an appeal in accordance with this Part.

50 The appeals process shall consist of two stages only.

51 The Responsible Person(s) shall only hear appeals concerning the scoring, assessment or result of a round.

52 The Competition Appeals Panel shall hear appeals pursuant to r 57.

6.1 Appeals to the Responsible Person(s)

53 An appeal concerning the scoring, assessment or result of a round must be made to the Responsible Person(s) for that competition.

54 The Responsible Person(s) must be notified of the competitor's intention to appeal in writing by email, no later than twenty-four (24) hours after the release of results.

55 After notice is received, the appeals process is as follows:

- a) The appellant must outline their appeal, including specific reference to the rule(s) alleged to have been breached, in one A4 page and provide this to the Responsible Person(s) in writing by email, not later than twenty-four (24) hours or as otherwise specified by the Responsible Person(s) after notifying the Responsible Person(s) of their intention to appeal.
- b) The Responsible Person(s) must distribute the written appeal in r 55(a) to the non-appealing competitors and, if necessary, the judges.
- c) The non-appealing competitors and, if necessary, the judges, will be asked to address the points raised by the appeal and shall do so in writing by email to the Responsible Person(s) no later than twenty-four (24) hours after being sent the written appeal.
- d) The Responsible Person(s) shall determine the outcome of the appeal no later than forty-eight (48) hours after receiving the written appeal stipulated in r 55(a).

56 The outcome of a first stage appeal is limited to a rematch.

6.2 Appeals to the Competition Appeals Panel

57 The Competition Appeals Panel will only hear appeals:

- a) against a decision of the Responsible Person(s) made under this Part, any other Part or any Appendix to these rules; or
- b) against the conduct of the Responsible Person(s).

58 Any party that has an interest in a matter listed in r 57 has standing to appeal to the Competition Appeals Panel.

5.2.1 The Competition Appeals Panel

59 The Competition Appeals Panel shall comprise of the following persons, subject to r 60, and the Society Constitution or By-Laws:

- a) The President; and

- b) The Vice-President (Mooting); and
- c) The Vice-President (Skills Competitions).

60 Where a person listed in r 59 has any conflict of interest, they are precluded from sitting on the Competition Appeals Panel and that person shall nominate another person to sit on the Competition Appeals Panel.

61 The President shall act as the Chairperson of the Competition Appeals Panel.

62 A meeting of the Competition Appeals Panel, for the exercise of its powers, is constituted by the presence of all 3 members pursuant to r 59 and 60.

63 A meeting of the Competition Appeals Panel may be by any method that the Competition Appeals Panel by majority deems fit.

64 Any issue on appeal to the Competition Appeals Panel is to be decided by majority.

5.2.2 Procedure of appeals to the Competition Appeals Panel

65 An appeal to be made to the Competition Appeals Panel must be made in writing by email to the President within twenty-four (24) hours of the decision or conduct which is being appealed.

66 The President may dismiss an appeal as frivolous or vexatious.

67 Upon receipt of the written appeal pursuant to r 65, and where the President does not dismiss the appeal, the President shall:

- a) form the Competition Appeals Panel pursuant to r 59 and 60; and
- b) distribute the written appeal in r 65 to the non-appealing competitors and, if necessary, to the judges.

68 Upon receipt of the written appeal pursuant to r 67b), the non-appealing competitors and the judges have twenty-four (24) hours to respond to the points raised by the appeal in writing by email to the Chairperson.

69 The Competition Appeals Panel shall determine the outcome of the appeal no later than forty-eight (48) hours after receiving the written appeal stipulated in r 65. This decision is to be distributed to the relevant parties in writing by email by the Chairperson.

70 If the Competition Appeals Panel decides in favour of the appellant, the outcome of the appeal is limited to a re-match for the round unless it is significantly unfair for a re-match to take place.

71 The decision of the Competition Appeals Panel is final, conclusive, and binding.

Appendix 1: Client Interview

- 1 These may be referred to as the “Client Interview Rules”.
- 2 The Client Interview Director is the Responsible Person for any internal Client Interview competition subject to the Society Constitution or By-Laws.

A Teams

- 3 Each team must consist of two (2) members.

B Competition structure

- 4 The competition shall consist of three (3) or four (4) general rounds.
- 5 The Responsible Person may choose to stage a Quarter-Final round.
- 6 Each competition shall have a Semi-Final and a Grand-Final.
- 7 The Responsible Person may stage a Preliminary Round prior to the commencement of the General Rounds. Results from the Preliminary Round shall not be used to determine progression to Final Rounds.

B.1 Round procedures

- 8 If an even number of competitors enter the Competition, all competitors compete in all rounds.
- 9 If an odd number of competitors enter the Competition, one bye per round is declared.
 - a) The bye is allocated randomly.
 - b) No competitor shall have a bye in more than one round.
- 10 For the purpose of calculating progression to Final Rounds, where a competitor has a bye, it is counted as a win, and that competitor’s score for that round is that competitor’s average score in all other rounds.
- 11 For the purpose of calculating progression to Final Rounds, where a competitor benefits from a forfeit, it is counted as a win, and that competitor’s score for that round is that competitor’s average score in all other rounds.
- 12 The Responsible Person will randomly select which teams verse each other.
- 13 No team competes against the same team more than once during the point scoring rounds.

B.2 Quarter-Final Progression

- 14 At the conclusion of the General Rounds, the competitors shall be ranked according to their total number of wins. As outlined at rr 10 and 11, where a competitor has a bye or benefits from a forfeit, it is counted as a win.
- 15 If two or more competitors are tied after they have been ranked in accordance with r 14, those teams shall be ranked in descending order of points difference. Points difference shall be determined by subtracting a team’s total number of points conceded in the General Rounds from their total number of points scored in the General Rounds.
- 16 If two or more competitors are tied after they have been ranked in accordance with rr 14 and 15, those competitors shall be ranked in descending order of total points scored. Where a

competitor has been allocated a bye, forfeits or benefits from a forfeit, their score for that round is the average of their points scored from all other General Rounds.

- 17 If two or more competitors remain tied after they have been ranked in accordance with rr 14, 15 and 16, those teams shall be drawn by lot and ranked accordingly.
- 18 After the teams have been ranked in accordance with rr 14, 15 and 16, the top eight (8) will progress to the Quarter-Final.
- 19 Teams will not verse each other in the Quarter-Final. The Responsible Person will determine the order in which they compete by draw.

B.3 Semi-Final Progression

- 20 At the conclusion of the Quarter-Final, the four (4) teams with the highest number of points scored shall progress to the Semi-Final.
- 21 The Responsible Person will determine the order in which Semi-Finalists compete in the Semi-Final by draw.

B.4 Grand-Final Progression

- 22 At the conclusion of the Semi-Final, the two (2) teams with the highest number of points scored shall progress to the Grand-Final.
- 23 In the Grand Final, the Champion will be the team that received the overall highest score.
- 24 The Responsible Person will determine the order in which Semi-Finalists compete in the Semi-Final by draw.

B.5 Structure of a match

| | All rounds |
|--|------------|
| Consultation with Client | 30 minutes |
| Reflection Planning Judge to consult with the Client | 5 minutes |
| Self-Reflection Client must not be present | 5 minutes |
| Feedback from Judge Client must not be present | 5 minutes |

C Release of memorandum

- 25 The Responsible Person will endeavour to release the client memorandum to the competitors at least five (5) days before the round. Memorandums will be distributed via email only.
- 26 The applicable state legislation to any question set for the UTS LSS Client Interview Competition is that of New South Wales.
- 27 Team members are free to decide how they will divide their work. However, both students must interview the client as a team and their plan is subject to judging.

D Judging

- 28 All preliminary and general rounds can be heard by either a single judge or full bench.
- 29 The Quarter-Final, Semi-Final and Grand-Final will be heard by three (3) judges.
- Judges will comprise of former Client Interview competitors, legal practitioners, magistrates, judges, and academics.
- 30 For the Quarter-Final and Semi-Final, a single judge shall preside on all panels for the round to ensure judging consistency ('moderating judge').
- 31 The moderating judge shall adjust the scores assigned to teams as necessary in consultation with all other judges on the panel for the relevant round.
- 32 No student judge will be allowed to compete in the competition in which they are judging.
- 33 All judges will be supplied with a copy of the problem question for the round they will be judging, a copy of the Client Interview Rules and the timetable.
- 34 Judges will allocate the competitors a mark for their client interview in accordance with the score sheet published on the UTS LSS website.
- 35 Judges will not reveal the scores to the competitors. These scores will be delivered to the Responsible Person. At the conclusion of the competition the competitors may, at the discretion of the Responsible Person, obtain a copy of their score sheets.

E Penalties

- 36 Judges must stop competitors after 30-minutes of the interview.
- a) Any contravention of r36 may result in a one (1) mark per minute (or part thereof) penalty for the round.
- b) The judge need not disclose this penalty. If concerned, competitors may request that they be informed if marks were deducted for going overtime, and they will be notified at the discretion of the Responsible Person.
- 37 Competitors must not be more than five (5) minutes late for the commencement of the round.
- a) Any contravention of r 37 may result in a two (2) marks per five (5) minutes or part thereof penalty for the round.
- 38 During the interview and post-consultation, the team may use books, notes and other materials.
- 39 Competitors are not permitted to use the internet and mobile phones during the interview, except as a time keeping device. If a team wishes to use a mobile phone for this purpose, they must inform the judge.
- a) Any contravention of r 39 may result in disqualification from the competition.

Appendix 2: Mooting

- 1 These may be referred to as the “Mooting Rules”.
- 2 The Subject Mooting Directors are the Responsible Persons for any internal subject moot subject to the Society Constitution or By-Laws. The Mooting Development Director is the Responsible Person for any internal junior moot subject to the Society Constitution or By-Laws.
- 3 Subject mooting is a competition spanning three days, and a Grand Final, It focuses on a specific area of law and will follow the below procedures, with some discretion of the Responsible Persons.
- 4 The Junior Mooting competition will be available to Law students in either first or second year with no previous mooting experience. It will follow the below procedure but will have an amended structure in relation to oral submission timing (see rule 46). This is subject to some discretion by the Responsible Person.

A Teams

- 5 Each team may consist of either two (2) or three (3) members.
- 6 In a team of three (3) members there are two (2) counsel and one (1) Instructing Solicitor. Team members may rotate positions between Senior Counsel, Junior Counsel and Instructing Solicitor.
- 7 In a team of two (2) members there are two counsel. Team members may rotate positions between Senior Counsel and Junior Counsel.
- 8 The three (3) or two (2) nominated members of the mooting team shall remain the same for the duration of the competition unless otherwise required by intervarsity competition rules.
- 9 If a member is Instructing Solicitor, they may elect to not attend the oral submission for the round.

B Competition structure

- 10 Competitions shall consist of three (3) or four (4) general rounds.
- 11 The Responsible Person(s) may choose to stage a Quarter-Final round.
- 12 Each competition shall have a Semi-Final and a Grand Final.
- 13 The Responsible Person(s) may stage a Preliminary Round prior to the commencement of the General Rounds. Results from the Preliminary Round shall not be used to determine progression to Final Rounds.

B.1 General Rounds procedure

- 14 If an even number of teams enter the competition, all teams compete in all General Rounds.
- 15 If an odd number of teams enter the competition, one bye per General Round is declared.
 - a) The bye is allocated randomly.
 - b) No team shall have a bye in more than one General Round.

- 16 For the purpose of calculating progression to Final Rounds, where a team has a bye, it is counted as a win, and that team's score for that round is that team's average score in all other General Rounds.
- 17 For the purpose of calculating progression to Final Rounds, where a competitor benefits from a forfeit, it is counted as a win, and that competitor's score for that round is that competitor's average score in all other General Rounds.
- 18 Opposing sides are randomly allocated by the Responsible Person(s), who will endeavour to ensure that a team is not disadvantaged by the draw and will not meet the same team twice in the General Rounds.

B.2 Progression

- 19 At the conclusion of the General Rounds, the teams shall be ranked according to their total number of wins.
- 20 If two or more teams are tied after they have been ranked in accordance with r 17, those teams shall be ranked in descending order of points difference. Points difference shall be determined by subtracting a team's total number of points conceded in the General Rounds from their total number of points scored in the General Rounds.
- 21 If two or more teams are tied after they have been ranked in accordance with rr 17 and 18, those teams shall be ranked in descending order of total points scored. (NB: where a team has been allocated a bye, their score for that round is the average of their points scored from all other General Rounds.)
- 22 If two or more teams remain tied after they have been ranked in accordance with rr 17, 18 and 19, those teams shall be drawn by lot and ranked accordingly.

B.3 Finals Round procedure

- 23 If the competition features a Quarter-Final Round, the teams ranked 1 to 8 shall progress to the Quarter-Finals, and compete in the following order:

Quarter-Final 1: rank 1 v rank 8
 Quarter-Final 2: rank 2 v rank 7
 Quarter-Final 3: rank 3 v rank 6
 Quarter-Final 4: rank 4 v rank 5

Teams will be allocated to sides (appellant/respondent) by random draw.

- 24 If the competition features a Quarter-Final Round, the Semi-Final Round shall be structured in the following order:

Semi-Final 1: winner of Quarter-Final 1 v winner of Quarter-Final 4
 Semi-Final 2: winner of Quarter-Final 2 v winner of Quarter-Final 3

Teams will be allocated to sides (appellant/respondent) by random draw.

- 25 If the competition does not feature a Quarter-Final Round, the teams ranked 1 to 4 shall progress to the Semi-Final Round, and compete in the following order:

Semi-Final 1: rank 1 v rank 4
 Semi-Final 2: rank 2 v rank 3

Teams will be allocated to sides (appellant/respondent) by random draw.

- 26 The Grand Final shall consist of the winner of Semi-Final 1 v the winner of Semi-Final 2.

Teams will be allocated to sides (appellant/respondent) by random draw.

27 The team with the highest score in the Grand Final is the winner of the Moot.

C Release of questions

28 Questions for the General rounds are released via email within a reasonable time of the Preliminary or First Round.

29 Problem questions shall be distributed via email only.

30 Minor changes can be made to the question at the discretion of the Responsible Person(s) (i.e., typographical errors).

31 Teams may not appeal on the basis of late receipt of a question unless:

- a) the opposing team received the question more than 6 hours before that team received it, or
- b) the Responsible Person(s) is of the opinion that teams were not given an adequate period of time to prepare.

D Research and preparation

32 All research and preparation for the moots will be conducted solely by the team members.

33 Moots will be heard before the court stipulated in the moot problem question. The jurisdiction to hear the case will be assumed unless otherwise stipulated on the facts.

34 Where issues of legislation are to be argued, this will be specifically referred to in the moot problem. Otherwise, argument is limited to the common law or equity.

E Written submissions

35 Teams will be required to submit a Memorandum of Argument ("Memorandum") for each round of the competition.

36 The Responsible Person(s) will notify competitors if the same Memorandum is to be used for multiple rounds.

- a) Teams must send an electronic copy via email to subjectmootingteam@utsslss.com (in a .pdf format) for a subject moot and to mooting.development@utsslss.com for a junior moot.

37 The Memorandum is due by the date and time specified by the Responsible Person(s).

38 The Memorandum must contain the following sections:

- a) A title section; and
- b) A list of authorities upon which Counsel rely; and
- c) A brief summary of the facts; and
- d) An outline of the structure of the team's submission/ major arguments to be raised; and
- e) Allocations of speaking time and rebuttal.

- 39 The 'Arguments' component of Memorandum is limited to eight (8) pages in its entirety. The cover page section, authorities, summary of facts, summary of submissions and speaking times are not included in the eight (8) pages.
- 40 The spacing of the Memorandum is to be of no less than 1.5 lines, the font of no less than 12 and the margins of no less than 2 cm.
- 41 Each team must format their Memorandum in accordance with the standard submission in the Mooting Handbook.
- 42 Amendments to the Memorandum may be made with the permission of the Judge at Oral Submissions for the purposes of a fair and just round. Senior Counsel are to seek leave of the court to defer from the original structure of their Memorandum.
- 43 A competitor must not plagiarise any competition materials. Plagiarism occurs when a competitor:
- a) copies, paraphrases, or summarises all or part of any document or piece of work without acknowledging the source;
 - b) uses somebody else's ideas, results, or conclusions without acknowledging the source; or
 - c) presents another competitor's work as their own.
- 44 Any instances of plagiarism must be reported to the Responsible Person(s).

F Oral Submissions

- 45 For senior competitions, after appearances are given, each team will have forty (40) minutes to present their case. For junior competitions, each team will have thirty (30) minutes to present their case.
- 46 The time is to be divided between Senior and Junior Counsel. The division of time must be specified in the written submissions and made during appearances.
- For example, 20 minutes Senior Counsel, 20 minutes Junior Counsel, or 15 minutes Senior Counsel, 15 minutes Junior Counsel for a junior competition.
- 47 Judges may grant an extension of time of up to five (5) minutes per team without penalty. If a judge grants one team an extension in their oral submissions and not the opposing team, this will not form a ground of appeal.
- 48 Appellants may reserve up to two (2) minutes for rebuttal. This time is to be deducted from the team's overall speaking time. The decision to reserve the right to reply must be stated during appearances.
- 49 Respondents may reserve up to two (2) minutes for sur-rebuttal. This time is to be deducted from the team's overall speaking time.
- 50 Only one competitor may deliver the rebuttal or sur-rebuttal. Competitors decide whether this will be done by the Junior or Senior Counsel.
- 51 Responsibility for timekeeping and adherence to allotted time periods and breaks rests with the Judge(s).
- 52 Counsel will not robe, but formal courtroom attire is expected. This is to demonstrate respect for the court.

For instance, men are expected to wear a collared shirt with tie and blazer, and women are expected to dress in corporate attire.

- 53 Competitors may not observe, nor are they to be briefed on, proceedings of a General Round in which they are not competing.
- 54 Teams may not have any person who is not a member of their team present in the moot court during the moot in any of the General, Quarter-Final, or Semi-Final rounds.

G Judging

- 55 The General Rounds are heard by either one (1) or three (3) judges, depending on availability.
- 56 Rule 53 does not apply to shadow judges.
- 57 The Quarter-Finals must be heard by one (1) or three (3) judges.
- 58 The Semi-Finals and Grand Final must be heard by three (3) or five (5) judges.
- 59 Judges shall be provided with:
- a) The moot question for that round;
 - b) An information sheet if any;
 - c) The score sheet;
 - d) The Memoranda submitted by all teams.
- 60 Judges will award each individual a mark out of two hundred (200). These marks will be allocated as follows:
- a) Written submissions: 50 marks
 - b) Development of Arguments: 60 marks
 - c) Question Engagement: 40 marks
 - d) Oral Ability: 30 marks
 - e) Court Formalities: 20 marks
- For a total of 200 marks
- 61 Judges must award each team with a different score. No draws are possible.
- 62 Each team's score sheet will be submitted to the Responsible Person(s) at the completion of a round.
- 63 For the General Rounds and Finals, the Responsible Person(s) will inform competitors of their results via email.
- 64 In the Grand Final, the bench will announce the winner at the conclusion of the moot.
- 65 Scoresheets may be made available to the Competitors at the discretion of the Responsible Person(s).

H Penalties

66 Subject to r 67, a judge may exercise discretion in applying these penalties.

67 The Responsible Person(s) may direct a judge to apply or waive a penalty.

H.1 Memorandum of Argument

68 If a team submits its Memorandum after the deadline, a penalty of two (2) marks for every ten (10) minutes late or part thereof, up to a total of ten (10) marks, applies.

69 If a team has not submitted its Memorandum twenty-four (24) hours after the deadline, that team will be deemed to have withdrawn from the competition.

70 If the 'arguments section' of the Memorandum exceeds eight (8) pages, a penalty of two (2) marks per additional page applies.

71 If the font size, margin and spacing of the Memorandum are not respected, a penalty of one (1) mark per violation applies.

72 If a section required by r 38 is missing, a penalty of one (1) mark per missing section applies.

73 If a team receives outside assistance in researching and drafting their written submissions, that team is disqualified.

H.2 Oral Submissions

74 If a competitor exceeds their allocated speaking time specified in the Memorandum without the Judge's express permission after thirty (30) seconds have elapsed, a penalty of one (1) mark for every thirty (30) seconds or part thereof applies.

75 If a competitor is more than five (5) minutes late for the commencement of the round, a penalty of two (2) marks per five (5) minutes or part thereof applies.

a) Penalties will apply onwards from 5 minutes after the round is scheduled to begin.

76 If a competitor is more than thirty (30) minutes late for the commencement of the round, that team will be deemed to have forfeited the round.

77 If a competitor cites authority or argument that is not outlined in their Memorandum or within the limited list of materials without being granted leave to introduce this information from the judges, a penalty of one (1) mark per authority cited applies.

78 If a competitor makes inappropriate noise during another competitors' oral submissions, a penalty of up to five (5) marks applies.

79 If a competitor substantially breaches courtroom etiquette, a penalty of up to fifty (50) marks applies.

H.3 Other penalties

80 If a competitor or team observes or is briefed on a round in which they are not competing before they have completed that round, that team is disqualified.

81 If a competitor plagiarises any competition materials, the Responsible Person(s) shall determine the appropriate penalty to be applied.

Appendix 3: Negotiation

- 1 These may be referred to as the “Negotiation Rules”.
- 2 The Negotiation Director is the Responsible Person for any internal Negotiation competition subject to the Society Constitution or By-Laws.

A Teams

- 3 Each team must consist of two (2) members.

B Competition structure

- 4 The competition shall consist of three (3) or four (4) general rounds.
- 5 The Responsible Person may choose to stage a Quarter-Final round.
- 6 Each competition shall have a Semi-Final and a Grand Final.
- 7 The Responsible Person may stage a Preliminary Round prior to the commencement of the General Rounds. Results from the Preliminary Round shall not be used to determine progression to Final Rounds.

B.1 Round procedures

- 8 If an even number of competitors enter the Competition, all competitors compete in all rounds.
- 9 If an odd number of competitors enter the Competition, one bye per round is declared.
 - b) The bye is allocated randomly.
 - c) No competitor shall have a bye in more than one round.
- 10 For the purpose of calculating progression to Final Rounds, where a competitor has a bye, it is counted as a win, and that competitor’s score for that round is that competitor’s average score in all other rounds.
- 11 For the purpose of calculating progression to Final Rounds, where a competitor benefits from a forfeit, it is counted as a win, and that competitor’s score for that round is that competitor’s average score in all other rounds.
- 12 The Responsible Person will randomly select which teams verse each other.
- 13 No team competes against the same team more than once during the point scoring rounds.

B.2 Progression

- 14 At the conclusion of the General Rounds, the competitors shall be ranked according to their total number of wins. As outlined at rr 10 and 11, where a competitor has a bye or benefits from a forfeit, it is counted as a win.
- 15 If two or more competitors are tied after they have been ranked in accordance with r 14, those teams shall be ranked in descending order of points difference. Points difference shall be determined by subtracting a team’s total number of points conceded in the General Rounds from their total number of points scored in the General Rounds.

- 16 If two or more competitors are tied after they have been ranked in accordance with rr 15 and 14, those competitors shall be ranked in descending order of total points scored. Where a competitor has been allocated a bye, forfeits or benefits from a forfeit, their score for that round is the average of their points scored from all other General Rounds.
- 17 If two or more competitors remain tied after they have been ranked in accordance with rr 14, 15 and 16, those teams shall be drawn by lot and ranked accordingly.

B.3 Finals procedures

- 18 If the competition features a Quarter-Final Round, the competitors ranked 1 to 8 shall progress to the Quarter-Finals, and compete in the following order:

- Quarter-Final 1: rank 1 v rank 8
- Quarter-Final 2: rank 2 v rank 7
- Quarter-Final 3: rank 3 v rank 6
- Quarter-Final 4: rank 4 v rank 5

Competitors will be allocated to sides by random draw.

- 19 If the competition features a Quarter-Final Round, the Semi-Final Round shall be structured in the following order:

- Semi-Final 1: winner of Quarter-Final 1 v winner of Quarter-Final 4
- Semi-Final 2: winner of Quarter-Final 2 v winner of Quarter-Final 3

Competitors will be allocated to sides by random draw.

- 20 If the competition does not feature a Quarter-Final Round, the competitors ranked 1 to 4 shall progress to the Semi-Final Round, and compete in the following order:

- Semi-Final 1: rank 1 v rank 4
- Semi-Final 2: rank 2 v rank 3

Competitors will be allocated to sides by random draw.

- 21 The Grand Final shall consist of the winner of Semi-Final 1 v the winner of Semi-Final 2.

Competitors will be allocated to sides by random draw.

- 22 The competitor with the highest score in the Grand Final is the winner of the Negotiation.

B.4 Structure of a match

| | All rounds |
|---|------------|
| Negotiation Session In presence of Judge | 50 minutes |
| Reflection Planning In absence of Judge and Opponents | 10 minutes |
| Self-Reflection In presence of Judge | 10 minutes |

- 23 Teams each may call a break of no more than five (5) minutes, to be taken by mutual consent.

- a) The 50-minute period continues to run during any such break. For example, if a team takes a 5-minute break, the total negotiation session will not become 55 minutes.
 - b) If the team calling the break specifically requests, both teams must leave the room during the break.
 - c) During a break, teams may not confer with any other person.
- 24 At the end of the 50-minute period, each team may take up to 10-minutes to analyse their performance.
- 25 Each team will conduct a 10-minute self-reflection to the judge in the absence of the opposition:
- a) The judge(s) will randomly allocate which team is to go first in the self-analysis, at the end of the ten-minute private reflection period.
 - b) Teams will be required to answer the following questions:
 - (i) In reflecting on the entire negotiation, if you faced a similar situation tomorrow, what would you do the same and what would you do differently?
 - (ii) How well did your strategy work in relation to the outcome?
 - c) The teams should also be prepared to respond to other questions from the judges concerning the team's performance.
 - d) The team may use this as an opportunity to explain why they chose a particular approach or a specific tactic.
 - e) The judges may take into consideration for scoring purposes anything said during the self-reflection session.
- 26 Responsibility rests with the student participants for timekeeping and for adherence to allotted time periods and breaks.
- 27 If resources and volunteers are available, timekeepers or timekeeping devices may be provided. However, no individual associated with a competitor may act as timekeeper in a negotiation involving such competitor.

C Release of questions

- 28 The Responsible Person shall endeavour to release the negotiation scenario at least six (6) days before the round. Negotiation scenarios will be distributed via email only.
- 29 The negotiation scenario will involve two sets of information:
- a) A common set of facts known by all teams, and
 - b) A set of confidential facts known only to the team representing a particular side in the negotiation.
- 30 Competitors may only appeal on the basis of late receipt of a question in accordance with Part 6 if their opposing team received the question more than 6 hours before the appealing team.
- 31 Minor changes can be made to the negotiation scenario subject to the discretion of the Responsible Person. For example, typographical errors.

D Judging

- 32 All preliminary rounds can be heard by either a single judge or full bench.
- 33 The Quarter Final and Semi Final rounds will be heard by 1 or 3 judges, subject to availability.
- 34 Where there are three judges, the winner will be decided by the majority verdict.
- 35 The Grand Final will be heard by three judges.
- Judges will comprise of former Negotiation competitors, legal practitioners, magistrates, judges, and academics.
- 36 All judges will be supplied with a copy of the negotiation scenario for the round they will be judging, a copy of the Negotiation Rules and the timetable.
- 37 Judges will allocate the competitors a mark for their negotiation in accordance with the score sheet published on the UTS LSS website.
- 38 Judges will not reveal the scores to the competitors. These scores will be delivered to the Responsible Person. At the conclusion of the competition the competitors may, at the discretion of the Responsible Person, obtain a copy of their score sheets.
- 39 The Judging Standards recognise that there is no one "correct" approach to conducting a negotiation. The strategies and techniques used will vary according to the nature of the problem, the personalities involved and other circumstances. However, the effectiveness of a negotiation can be judged, at least in part, by its outcome.
- 40 Any marking criteria should not be read as requiring the parties to reach an agreement. In some situations, the best outcome might be no agreement at all. Thus, the judging standards focus on planning and the negotiation process itself, allowing a team to achieve a high score even if no agreement was reached.

E Penalties

- 41 Judges must stop competitors after 50-minutes of the negotiation.
- a) Any contravention of r41 may result in a one (1) mark per minute (or part thereof) penalty for the round.
- b) The judge need not disclose this penalty. If concerned, competitors may request that they be informed if marks were deducted for going overtime, and they will be notified at the discretion of the Responsible Person(s).
- 42 Competitors must not be more than five (5) minutes late for the commencement of the round.
- a) Any contravention of r 42 may result in a two (2) marks per five (5) minutes or part thereof penalty for the round.
- 43 During the interview and post-consultation, the team may use books, notes and other materials.
- 44 Competitors are not permitted to use the internet and mobile phones during the interview, except as a time keeping device. If a team wishes to use a mobile phone for this purpose, they must inform the judge.
- a) Any contravention of r 44 may result in disqualification from the competition.

Appendix 4: Witness Examination

- 1 These may be referred to as the “Witness Examination Rules”.
- 2 The Witness Examination Director is the Responsible Person for any internal Witness Examination competition subject to the Society Constitution or By-Laws.

A Competition structure

- 3 The competition shall consist of three (3) or four (4) general rounds.
- 4 The Responsible Person may choose to stage a Quarter-Final round.
- 5 Each competition shall have a Semi-Final and a Grand Final.
- 6 The Responsible Person may stage a Preliminary Round prior to the commencement of the General Rounds. Results from the Preliminary Round shall not be used to determine progression to Final Rounds.

A.1 Round procedures

- 7 If an even number of competitors enter the Competition, all competitors compete in all rounds.
- 8 If an odd number of competitors enter the Competition, one bye per round is declared.
 - a) The bye is allocated randomly.
 - b) No competitor shall have a bye in more than one round.
- 9 For the purpose of calculating progression to Final Rounds, where a competitor has a bye, it is counted as a win, and that competitor's score for that round is that competitor's average score in all other rounds.
- 10 For the purpose of calculating progression to Final Rounds, where a competitor benefits from a forfeit, it is counted as a win, and that competitor's score for that round is that competitor's average score in all other rounds.
- 11 Opposing sides are randomly allocated by the Responsible Person.
- 12 No individual competes against the same person more than once during the point scoring rounds.

A.2 Progression

- 13 At the conclusion of the General Rounds, the competitors shall be ranked according to their total number of wins. As outlined at rr 9 and 10, where a competitor has a bye or benefits from a forfeit, it is counted as a win.
- 14 If two or more competitors are tied after they have been ranked in accordance with r 13, those teams shall be ranked in descending order of points difference. Points difference shall be determined by subtracting a team's total number of points conceded in the General Rounds from their total number of points scored in the General Rounds.
- 15 If two or more competitors are tied after they have been ranked in accordance with rr 13 and 14, those competitors shall be ranked in descending order of total points scored. Where a competitor has been allocated a bye, forfeits or benefits from a forfeit, their score for that round is the average of their points scored from all other General Rounds.

- 16 If two or more competitors remain tied after they have been ranked in accordance with rr 13, 14 and 15, those teams shall be drawn by lot and ranked accordingly.

A.3 Finals procedures

- 17 If the competition features a Quarter-Final Round, the competitors ranked 1 to 8 shall progress to the Quarter-Finals, and compete in the following order:

- Quarter-Final 1: rank 1 v rank 8
- Quarter-Final 2: rank 2 v rank 7
- Quarter-Final 3: rank 3 v rank 6
- Quarter-Final 4: rank 4 v rank 5

Competitors will be allocated to sides (defence/prosecution) by random draw.

- 18 If the competition features a Quarter-Final Round, the Semi-Final Round shall be structured in the following order:

- Semi-Final 1: winner of Quarter-Final 1 v winner of Quarter-Final 4
- Semi-Final 2: winner of Quarter-Final 2 v winner of Quarter-Final 3

Competitors will be allocated to sides (defence/prosecution) by random draw.

- 19 If the competition does not feature a Quarter-Final Round, the competitors ranked 1 to 4 shall progress to the Semi-Final Round, and compete in the following order:

- Semi-Final 1: rank 1 v rank 4
- Semi-Final 2: rank 2 v rank 3

Competitors will be allocated to sides (defence/prosecution) by random draw.

- 20 The Grand Final shall consist of the winner of Semi-Final 1 v the winner of Semi-Final 2.

Competitors will be allocated to sides (defence/prosecution) by random draw.

- 21 The competitor with the highest score in the Grand Final is the winner of the Witness Examination.

A.4 Structure of a match

| | All rounds |
|--|------------|
| Opening by the prosecution | 2 minutes |
| Examination in chief by the prosecution | 10 minutes |
| Cross examination by the defence | 15 minutes |
| Opening by the defence | 2 minutes |
| Examination in chief by the defence | 10 minutes |
| Cross examination by the prosecution | 15 minutes |
| Recess | 3 minutes |
| Closing by the prosecution | 3 minutes |
| Closing by the defence | 3 minutes |

- 22 A timekeeper or the presiding judge monitors the times for all of the above and there will be a notification at one minute before the end of the relevant period, and another notification at the end of the relevant period, as specified above.
- 23 At the end of the summation by the prosecution, counsel for the defence may seek permission from the judge to draw attention to contraventions of the rule in *Browne v Dunn* or misstatements of evidence or of law in the summation by the prosecution. If granted, counsel for the defence may speak for only one minute, unless an extension is granted. Counsel for the defence may only respond to the summation made by the prosecution.
- 24 At the end of the summation by the defence, counsel for the prosecution/plaintiff may seek permission from the judge to draw attention to contraventions of the rule in *Browne v Dunn* or misstatements of evidence or of law in the summation by the defence. If granted, counsel for the prosecution/plaintiff may speak for only one minute, unless an extension is granted. Counsel for the prosecution/plaintiff may only respond to the summation made by the defence.
- 25 Defence counsel is not permitted to make a 'no case to answer' submission or apply for a Prasad direction
- 26 The clock will be stopped during any objections.

B Release of questions

- 27 Competitors will receive their materials at least ninety (90) minutes before the commencement of the judging.

The allocation of that time will be as follows:

- a) sixty (60) minutes to review the problem; and
 - b) thirty (30) minutes to interview the relevant witness.
- 28 Materials given to competitors will consist of:
- a) the relevant section(s) of any Act(s);
 - b) the statement of their witness; and
 - c) the statement of the opponent's witness.
- 29 The questions in both preliminary and final rounds may involve either civil or criminal matters. The material for the competitors shall be provided by email. It will be the competitors' responsibility to arrange to have the material printed.
- 30 Although the applicable state legislation to any question may vary, the *Evidence Act 1995* (NSW) always applies in all UTS LSS Witness Examination Competitions. For example, there may be a question involving a charge under the South Australian Crimes Act, however the rules of evidence applicable would still be those stipulated under the New South Wales Evidence Act.

C Judging

- 31 All preliminary rounds can be heard by either a single judge or full bench.
- 32 The Quarter Final and Semi Final rounds will be heard by 1 or 3 judges, subject to availability.
- 33 Where there are three judges, the winner will be decided by the majority verdict.

- 34 The Grand Final will be heard by three judges.
- Judges will comprise of former Open Witness Examination competitors, legal practitioners, magistrates, judges, and academics.
- 35 No student judge will be allowed to compete in the competition in which they are judging.
- 36 During the competition the judge may ask appropriate questions to the competitors. They will also decide whether objections are upheld and may choose whether or not to discuss the reasons for their decision. If competitors are concerned with a particular decision, this concern should be conveyed to the Responsible Person after the competition and will be dealt with accordingly.
- 37 Judges will allocate the competitors a mark for their witness examination in accordance with the score sheet published on the UTS LSS website.
- 38 Judges will not reveal the scores to the competitors. These scores will be delivered to the Responsible Person. At the conclusion of the competition the competitors may, at the discretion of the Responsible Person, obtain a copy of their score sheets.

D Penalties

- 39 Competitors must stop speaking when directed by the judge.
- 40 Judges may allow a competitor up to an additional three (3) minutes.
- 41 A competitor who speaks overtime, without the judge's permission, during any portion of their witness examination (opening, evidence in chief, cross examination, closing or *Brown v Dunn* Rebuttal) will lose one (1) mark for every twenty (20) seconds (or part thereof) of overtime.
- a) The judge need not disclose this penalty. If concerned, competitors may request that they be informed if marks were deducted for going overtime, and they will be notified at the discretion of the Responsible Person.
- 42 Competitors must not be more than five (5) minutes late for the commencement of the round.
- a) Any contravention of r 42 may result in a two (2) marks per five (5) minutes or part thereof penalty for the round.
- 43 Facts that are added to the witness statement by a competitor must not contradict the statement in any way.
- a) If any added evidence contradicts the statement, the opposing competitor is entitled to draw the judge's attention to this, and, if the judge agrees that the additional facts go beyond what is permitted by this rule, the judge will penalise the offending competitor with a deduction of five (5) marks from their total score.
- b) An example of additional facts which would be permitted: if the materials stated "I am a police officer", a competitor may add that the witness has been a police officer for "X years". However, if that statement said "I am a new recruit" competitors would be unable to include facts that state the witness has been a police officer for several years.

E Witnesses

- 44 Where possible, a witness may be provided by the UTS LSS. These witnesses may or may not have former experience as a witness.

- 45 If the competitor is required to provide their own witness, they will be notified as soon as possible prior to their round by the Responsible Person.
- 46 Competitors may bring their own witness if they choose.
- 47 If a competitor is using his or her own witness and that witness is late for preparation, the competitor is solely responsible and must bear the consequences that it may have on his or her performance during the witness examination.
- 48 Witnesses must not have competed at a previous ALSA competition in Witness Examination.
- 49 Witnesses may not be a current competitor in the Witness Examination Competition. However, if they have been eliminated from the competition they may act as a witness for the remaining competitors.
- 50 Witnesses should be provided with a copy of the material 30 minutes prior to the commencement of the round. This material is to be provided to them by the competitor.
- 51 Witness will meet with the competitors 30 minutes prior to the beginning of the competition only.

F Coaching and materials

- 52 Competitors must not discuss any of the contents of the material with any person other than their witness.
- 53 During preparation time, competitors may use laptops, iPads, desktop computers etc. for the purpose of viewing and printing the materials provided to them by the Responsible Person and using word documents and printing facilities. Competitors are not to utilize the Internet to aid in their preparation for the Witness Examination competition.
- 54 During the round, competitors may utilise laptops or tablet computers for the purpose of reading their case materials. Competitors are not to access the Internet throughout the Witness Examination round.
- 55 Those competitors who utilise laptops or tablet computers are still required to provide their witnesses with a hard copy of their witness statement.
- 56 Any competitor discovered using the internet for purposes other than that permitted under r 53 and 54 may be disqualified from the competition.
- 57 A competitor may use any other resources to aid in preparation brought with them at the time of receiving the materials. This includes textbooks, essentials guides, printed versions of legislation and cases. The resources may not be sourced after the materials are received.
- 58 A competitor may add facts to the materials provided, in order to further enhance the truth as already established within the materials.
- a) Rule 58 is limited by r 43: added facts cannot contract the statement in any way.
- 59 Witness statements are not presumed to be admitted into evidence.
- 60 No evidence other than that which is provided by the Responsible Person and the oral testimony of a nominated witness may be tendered into evidence.