



**THE UNIVERSITY OF SOUTHERN
QUEENSLAND LAW SOCIETY
WITNESS EXAMINATION
COMPETITION RULES**

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1. COMPETITION NAME

1.1 This Competition will be officially known as The University of Southern Queensland Law Society (USQLS) Witness Examination Competition ('Witness Examination').

1.1.1 The USQLS Witness Examination Executive may publicize the competition under another appropriate title at their discretion.

2. COMPETITORS

2.1 By entering this Competition, all competitors agree to be bound by the Witness Examination Rules outlined in this document and any relevant provisions of the USQLS Constitution.

2.2 Each competitor must be either a financial member of the USQLS, or pay a specified fee (to be determined by the Witness Examination Competition Executive) to be eligible to enter the Competition.

2.3 Each competitor must be currently enrolled and studying at the University of Southern Queensland.

2.4 Each competitor will compete as an individual.

2.5 Each competitor, competing as counsel, must have completed a minimum of eight (8) LAW courses at University.

2.5.1 Rule 2.5 may be subject to change at the discretion of the Witness Examination Executive.

2.6 Competitors must not have graduated with a degree in law in any jurisdiction.

2.6.1 Competitors in their final semester of studies must have their final piece of assessment due after the commencement of the quarter finals of the competition.

2.7 Competitors must not have graduated with a degree in law in any jurisdiction.

2.7.1 Competitors in their final semester of studies must have their final piece of assessment due after the commencement of the semi-finals of the competition.

2.8 Competitors must register by the registration date as set by the Witness Examination Executive.

3. COMPETITION STRUCTURE

3.1 The Competition will be comprised of at least four (4) Rounds; two Preliminary rounds, a Semi-Final, and a Grand Final.

3.1.1 Each round will consist of at least two (2) sides (e.g. one (1) Prosecution and one (1) Defence, or any such title as specified within the context of the round).

3.1.2 The Witness Examination Executive may determine that additional rounds will be held as required.

3.2 The number of Rounds comprising the Competition will be determined at the discretion of the Witness Examination Executive. This decision is to be made having regard to:

3.2.1 The resources available to the Witness Examination Executive and the USQLS;

3.2.2 The number of competitors expected;

3.2.3 Relevant logistical challenges;

3.2.4 The general circumstances of the Witness Examination Executive and the USQLS.

4. PROCEDURE

4.1 The draw of competitors (the Draw) will be conducted by the Witness Examination Executive following close of nominations.

4.1.1 The allocation of competitors within the Draw will be made at random according to the requirements of each competition.

4.1.1.1 The Witness Examination Executive reserves the right to create a draw allowing Moot Court Bench students to compete against each other in the preliminary rounds.

4.1.2 The requirements of each Witness Examination Competition will be determined by the USQLS in consultation with the Witness Examination Executive.

4.1.3 All competitors will compete in the Preliminary round(s) of the Witness Examination.

4.1.4 Competitors may not observe proceedings of a round until they have finished competing in that round.

4.1.5 Competitors will be randomly allocated to sides in each round

4.2 Progression of competitors to subsequent rounds

4.2.1 The winning competitor of each match will be the competitor with the greater number of points.

4.2.2 The four (4) competitors with the highest cumulative points for the Preliminary round(s) will progress to the Semi Final round. .

4.2.5 The winning competitor of each competition, in the Semi-Final round will progress to the Grand Final.

4.3 In the case of an uneven number of competitors, a swing competitor will be allocated in the Preliminary round(s).

4.4 In the event that one (1) or more competitors withdraw from the competition, resulting in an uneven number of competitors, randomly allocated competitors will be allocated a swing competitor as outlined in Rule 4.3

5. ROUND PROCEEDINGS

- 5.1** Competitors shall receive the problem at least 90 minutes prior to the commencement of the trial.
- 5.2** Reasonable inferences may be made about the facts within the problem; however, no additional facts or evidence may be adduced.
- 5.3** The witness statements are not presumed to be admitted into evidence.
- 5.4** Each competitor will have a conference with their client 30 minutes prior to the commencement of the trial.
- 5.5** Coaching of a witness is not permitted as it is a breach of professional ethics. The Vice-President Competitions will brief witnesses on the rules regarding coaching and witnesses will report competitors who engage in coaching. For the sake of clarity, coaching is taken to include:

5.5.1 Telling the client questions which they might be asked during the trial

5.5.2 Advising the client on how to answer certain questions

5.5.3 Any other behaviour that could be deemed to be coaching under law.

5.5.4 The trial will proceed as follows:

PART OF TRIAL	TIME LIMIT
Appearances	No limit
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
Break before Summation	3 minutes
Prosecution Summation	3 minutes
Defence Summation	3 minutes
Feedback to competitors	No limit

- 5.6** An additional 10 minutes is available for each examination-in-chief and cross-examination segment in Grand Finals only.
- 5.7** A judge may grant an extension of up to three minutes to each competitor.
- 5.8** During the examination's objections may be made on the basis of violations of the rules of evidence. The clock will be stopped during any objections and the opposing counsel will ordinarily be invited to respond to any objection.
- 5.9** The judge may ask questions of the witnesses or advocates at any point during the trial.
- 5.10** No re-examination of witnesses is permitted.
- 5.11** Defence counsel is not permitted to make a "no case to answer" submission or apply for a Prasad direction.

5.12 The relevant law shall be included in the problem, however reference can be made to the common law and any applicable evidence legislation.

5.13 No electronic devices may be used during the trial or preparation time (with the exception of timing the advocates). Any competitor who inappropriately uses an electronic device may be disqualified from the competition.

5.14 Competitors are not permitted to communicate with any other person in relation to any part of the problem. A competitor that does so may be disqualified from the competition.

5.15 The problem shall involve either a criminal or civil matter and be in the jurisdiction of Queensland.

6. JUDGING

6.1 All judges must have suitable legal qualifications, or extensive relevant professional experience. Judges will be Judges, magistrates, legal practitioners, legal academics or others with demonstrated experience in judging mooted competitions.

6.2 Judges must follow the judging guidelines set out in the judging guide in the Appendix.

7. COMPETITION EXECUTIVE

7.1 This section establishes the Witness Examination Executive as the body responsible for the administration of the Witness Examination Executive and interpretation of the Witness Examination Rules.

7.2 The Witness Examination Executive shall not be affiliated with nor assist any competitor registered to take part in the Competition.

7.3 The Witness Examination Executive shall consist of three (3) members, who are to work in cooperation.

7.3.1 The composition of the Witness Examination Executive shall be as follows:

7.3.1.1 The USQLS Vice-President Competitions;

7.3.1.2 The Witness Examination Competitions Officer; and

7.3.1.3 The Competitions Convener for the Witness Examination Competition

7.4 The Witness Examination Executive will make decisions in accordance with its responsibilities and powers as outlined in the Rules.

7.5 The decisions of the Witness Examination Executive regarding the interpretation of the Rules will be final.

8. FORFEITURE

8.1 Any competitor that forfeits will be deemed to have lost that moot. Counsel for the forfeiting competitor will be deemed to have a mark of zero for that round.

8.2 Any competitor whose opponent forfeits a round will be deemed to have won that round. The competitor's margin will be the average of their margins from other rounds.

8.3 Any competitor which forfeits will be excluded from progressing.

8.4 A forfeit will be considered to have occurred where a competitor withdraws or is a no show. Any withdrawal before that time will trigger a swing competitor in accordance with Rule 4.3.

9. PRIZES

9.1 There will be two (2) prizes awarded in the Grand Final of the Witness Examination Competition.

9.2 The Witness Examination Champion Prize will be awarded to the winning competitor in the Grand Final (being the competitor awarded the most points according to the score sheet in Appendix).

9.2.1 The Witness Examination Champion Prize will be the sum of \$200.00.

9.3 The Witness Examination Runner-up Prize will be awarded to the losing competitor in the Grand Final (being the competitor awarded the least points according to the score sheet in Appendix).

9.3.1 The Witness Examination Runner-up Prize will be the sum of \$100.00

APPENDIX

USQLS Witness Examination Judging Guide

Criteria	Score
Opening Address	/10
Examination in Chief	/20
Cross-Examination	/25
Closing Address	/10
Manner and Expression	/20
Case Theory	/15
Total Score	/100

