



**THE UNIVERSITY OF SOUTHERN  
QUEENSLAND LAW SOCIETY  
COMPETITIONS POLICY**

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## **1. SCOPE**

**1.1.** This policy regulates the administration of USQ Law Society ('USQLS') Competitions.

**1.2.** These bylaws are binding on:

- (a) The Vice President Competitions;
- (b) The Competitions Executive;
- (c) USQLS Executive;
- (d) USQLS Officers;
- (e) USQLS Committees;
- (g) Any person who performs any acts as required or permitted under this policy; and
- (h) All competitors.

## **2. THE COMPETITIONS COMMITTEE**

**2.1.** The Competitions Committee consists of the Vice President Competitions, all USQLS competitions officers and a Competition Convener for each competition.

**2.2.** The Competitions Committee is the primary decision-making body for the administration and running of competitions.

**2.3.** The Championship Moot Tournament Executive is a subcommittee of the Competitions Committee.

- a) The Tournament Executive shall consist of three (3) members, who are to work in cooperation.
- b) The composition of the Tournament Executive shall be as follows:
  - (1) The USQLS Vice President Competitions;
  - (2) The marking lecturer of Moot Court Bench (LAW3466); and
  - (3) The Competitions Convener for the Championship Moot.
- c) The Tournament Executive will make decisions in accordance with its responsibilities and powers as outlined in the Rules.

**2.4.** The Competition Convener for the Championship Moot will be the USQLS Championship Moot Officer. If the officer position is vacant then the Competitions Convener for a competition will be a financial member of the USQLS chosen at the discretion of the Vice President Competitions in consultation with the USQLS Executive.

**2.5.** The USQLS Client Interview Executive is a subcommittee of the Competitions Committee.

- a) The Client Interview Executive shall consist of three (3) members, who are to work in cooperation.
- b) The composition of the Client Interview Executive shall be as follows:
  - (1) The USQLS Vice President Competitions;
  - (2) The USQLS Client Interview Officer and
  - (3) The Competitions Convener for the Client Interview Competition.
- c) The Client Interview Executive will make decisions in accordance with its responsibilities and powers as outlined in the Rules.

**2.6.** The USQLS Negotiation Executive is a subcommittee of the Competitions Committee.

- a) The Negotiation Executive shall consist of three (3) members, who are to work in cooperation.
- b) The composition of the Negotiation Executive shall be as follows:
  - 1. The USQLS Vice President Competitions;
  - 2. The USQLS Negotiation Officer and
  - 3. The Competitions Convener for the Negotiation Competition.
- c) The Negotiation Executive will make decisions in accordance with its responsibilities and powers as outlined in the Rules.

**2.7.** The USQLS Junior Moot Executive is a subcommittee of the Competitions Committee.

- a) The Junior Moot Executive shall consist of three (3) members, who are to work in cooperation.
- b) The composition of the Junior Moot Executive shall be as follows:
  - 1. The USQLS Vice President Competitions;
  - 2. The USQLS Junior Moot Officer; and
  - 3. The Competitions Convener for the Junior Moot.
- c) The Junior Moot Executive will make decisions in accordance with its responsibilities and powers as outlined in the Rules.

**2.8.** The USQLS Witness Examination Executive is a subcommittee of the Competitions Committee.

- a) The Witness Examination Executive shall consist of three (3) members, who are to work in cooperation.
- b) The composition of the Witness Examination Executive shall be as follows:
  - 1. The USQLS Vice President Competitions;
  - 2. The USQLS Witness Examination Officer; and

### **3. The Competitions Convener for the Witness Examination.**

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

**2.9.** The Competitions Committee is under a positive duty to take reasonable steps to bring this policy to the attention of competitors prior to the commencement of Round 1 of each competition.

**2.10.** The Competitions Committee is responsible for creating and maintaining a Judge Conflict Policy, which will prevent foreseeable conflicts of interest in the judging of the competition.

### **3. COMPETITORS**

**3.1.** There is an absolute prohibition on any person to whom this policy applies lying about a competition matter. Any misleading or deceptive conduct may result in severe penalties including being removed from the competition and future competitions.

**3.2.** Competitors are under a positive obligation to bring to the attention of the Competitions Committee any instances where the competitors have been set problems which they have seen before.

**3.3.** Competitors are under a positive obligation to inform the Competitions Committee of any violations of the competition rules. If a contravention has occurred prior to the commencement of a round, the Competitions Committee must be informed before the round proceeds.

**3.4.** A competitor who fails to comply with Rule 3.3 automatically waives any right to lodge an appeal in respect of that conduct.

**3.5.** Competitors who remain in the competition may not view the rounds of other competitors in the same competition.

### **4. OTHER PROVISIONS AND RULES**

**4.1.** The upkeep of accurate records of competition results, including trophies, is the responsibility of the Vice President Competitions.

**4.2.** In interpreting this document, deference shall be given to:

- (a) The USQLS constitution;
- (b) The applicable standards and rules from the ALSA competitions; and
- (c) The applicable standards and rules from other similar competitions.

**4.3.** Each competition will be subject to a set of rules.

**4.4.** The rules of each competition are binding but may be subject to any policy in this document.

**4.5.** Where a competitions' rules are specific for that competition and conflict with this policy, the competition rules will be the document used for dispute resolution.

## **5. ELIGIBILITY TO COMPETE IN COMPETITIONS**

### **A. General Requirements Applicable To All Competitions**

**5.1.** To be eligible to compete in USQLS Competitions, the competitor must:

- (a) Be enrolled in a University of Southern Queensland degree which includes a Bachelor of Laws, Bachelor of Laws (Honours) or Juris Doctor component; and
- (b) Be a financial member of USQLS; or
- (c) Pay the entrance fee to compete.

**5.2.** An eligible competitor under section 5 is entitled to attend external competitions based on their performance, as long as the external competition does not restrict them from attending.

**5.3.** Entries into competitions will only be accepted in the form prescribed by the Competitions Committee.

### **B. Eligibility Requirements To Compete In First Year Internal Competitions**

**5.4.** To be eligible to compete in First Year Internal Competitions, the competitor must:

- (a) Meet all general requirements applicable to all competitors; and
- (b) Be in their first year of an LLB or Juris Doctor program or an associate member due to undertake studies in the LLB or Juris Doctor in the next year;

**5.5.** The Vice President Competitions may, at their discretion, allow a student to compete in First Year competitions whose program of study is not conventional provided they have not previously competed in an external competition which matches the competition they seek to participate in (i.e., mooting, negotiation, etc.).

## **6. COMPETITION STRUCTURE**

### **A. Preliminary Rounds**

**6.1.** The draw for the preliminary rounds must be randomly allocated – it is not sufficient for the draw to be allocated based on the order in which teams or competitors signed up for the competition, or in any other way.

**6.2.** If there is an uneven number of teams or competitors:

- (a) For the Championship Moot, a three-way moot will be held;
- (b) For Negotiation and Witness Examination, a swing competitor will be supplied

(c) For Client Interview, the same client will be used for three teams

- 6.3. Progression from the preliminary rounds shall be determined by the cumulative total of the scores that each competitor or team has received, but will not be announced until after the appeals window has concluded.
- 6.4. The rank of each breaking team will be announced, in order.
- 6.5. Any competitor (whether breaking or otherwise) who wishes to view their scoresheets will be permitted to do so, after the break has been announced subject to the availability of the same.
- 6.6. Where an error in scoring has been identified after the announcement of the progression from the preliminary rounds, the break will be re-ordered to reflect the correct order, as long as the team/competitor affected brings it to the attention of the Competitions Committee at the earliest possibility.

## **B. Finals Rounds**

- 6.7. Progression from the finals rounds shall be determined by direct knockout.
- 6.8. The number of rounds shall be determined by the number of teams who are present at the beginning of the first round of the competition, such that:
  - (a) Where there are 6 or less teams in the competition, the competition will consist of two preliminary rounds and one grand final (**Break to Grand Final**).
  - (b) Where there are between 7 and 12 teams (inclusive), the competition will consist of two preliminary rounds, a semi-final round, and one grand final (**Break to semi-finals**).
  - (c) Where there are 13 or more teams, the competition will consist of two preliminary rounds, a quarter-final round, a semi-final round, and one grand final (**Break to quarter-finals**).

## **C. Break Progression**

- 6.9. Where there is a break to semi-finals, the draw shall be formulated as follows:
  - (a) Semi Final 1: 1st ranked team v 4th ranked team
  - (b) Semi Final 2: 2nd ranked team v 3rd ranked team
  - (c) Grand Final: Winner of SF 1 v Winner of SF 2
- 6.10. Where there is a break to quarter-finals, the draw shall be formulated as follows:
  - (a) Quarter Final 1: 1st ranked team v 8th ranked team
  - (b) Quarter Final 2: 2nd ranked team v 7th ranked team
  - (c) Quarter Final 3: 3rd ranked team v 6th ranked team

- (d) Quarter Final 4: 4th ranked team v 5th ranked team
- (e) Semi Final 1: Winner of QF 1 v Winner of QF 4
- (f) Semi Final 2: Winner of QF 2 v Winner of QF 3
- (g) Grand Final: Winner of SF 1 v Winner of SF 2

#### **D. Irregularities**

**6.11.** If one or more teams become unavailable for a quarter-finals round after the draw has been announced, the Competitions Committee will attempt to resolve the issue according to the following requirements (in order):

- (a) If feasible, invite the next ranked (and so on) team to compete in the finals series, and re-order the break as though the unavailable team had been ineligible for finals;
- (b) Otherwise, re-order the break so that the unavailable team(s) are moved to the lowest ranks (i.e. eighth etc.), and award automatic wins for any team scheduled against an unavailable team.

**6.12.** If one or more teams becomes unavailable for a semi-finals round after the draw has been announced, the Competitions Committee will attempt to resolve the issue according to the following requirements (in order):

- (a) If the competition was one in which there was a break to semi-finals:
  - (i) If it is feasible to do so, invite the next ranked (and so on) team to compete in the finals series, and re-order the break as though the unavailable team had been ineligible for finals;
  - (ii) For Witness Examination and Championship Moot if it is feasible to do so, hold a three-way competition;
  - (iii) Otherwise, re-order the break so that the unavailable teams are ranked lowest (i.e. fourth etc.), and award automatic wins for any team scheduled against an unavailable team.
- (b) If the competition was one in which there was a break to quarter-finals:
  - (i) If it is feasible to do so, invite the highest ranked team(s) (according to the scores of the quarter-finals rounds) that lost their quarter-final round to compete in the semi-finals, and reorder the break as though the re-invited team had been ranked 4th in a break to the semi-finals;
  - (ii) For Witness Examination and Championship Moot competitions, if it is feasible to do so, hold a three-way competition;
  - (iii) Otherwise, re-order the break so that that the unavailable team(s) are moved to the lowest ranks (i.e. fourth etc.), and award automatic wins for any team scheduled against an unavailable team.



- 6.13.** Any team who becomes unavailable for any finals round, after advising that they were available for that round may be blacklisted in accordance with Rule 10.
- 6.14.** The release of draws for subsequent rounds shall not take place until the conclusion of the appeals window outlined in Rule 11.1(a).
- 6.15.** If an irregularity arises that is not covered by this section, the Competitions Committee will resolve the issue at their discretion but must take steps to advise the Executive before any action is taken.

## **7. PREPARATION AND RESEARCH**

**7.1.** All research and preparation for competitions must be conducted solely by team members or competitors.

**7.2** All competitors are eligible to attend approved coaching sessions arranged for their competition.

**7.3** All assistance must be limited to the following:

- a) general instruction on the basic principles of relevant law;
- b) general advice on research sources and methods;
- c) general advice on memorandum writing techniques;
- d) general advice on oral advocacy techniques;
- e) general advice on the organisation and structure of arguments in the team's written and oral pleadings;
- f) general commentary on the quality of the Team's legal and factual arguments.

**7.4** Where a competition is run in conjunction with a course subject competitors may receive assistance from the course lecturer in accordance with rule 7.3.

**7.5.** Any team who contravenes rule 7.3 may be subject to penalties, including disqualification.

## **8. JUDGES**

**8.1.** Judges will ordinarily be drawn from academics and legal practitioners who hold significant experience and/or expertise in the field(s) appropriate to the competition.

**8.2.** Student judges may be permitted if:

- (a) They have participated in an external competition on behalf of USQLS or University of Southern Queensland; or
- (b) They have been a grand finalist in a USQLS senior internal competition; or
- (c) They have demonstrated an equivalent level of skills and qualifications as determined by the Competitions Committee.

**8.3.** Judges should be provided with:

- (a) The question for that round;
- (b) A summary of the substantive legal issues in the question, if appropriate;
- (c) Scoresheets;
- (d) The substantive rules (as annexed to this document);
- (e) Written submissions of the competitors, where appropriate; and
- (f) Any other relevant information.

## **9. PENALTIES**

**9.1.** Competitors must comply with the competitions policy, including any rules specific to that competition.

**9.2.** Failure to comply with the competitions policy or rules may result in penalties, at the discretion of the Competitions Committee.

**9.3.** In deciding whether to apply any penalties, and the extent to which they should be applied, the Competitions Committee must consider the penalties that would apply in analogous circumstances at the respective ALSA competition.

**9.4.** Penalties may include:

- (a) Nominal Penalties;
- (b) Substantive Penalties; or
- (c) Disqualification.

**9.5.** Where a competitor is awarded a penalty, it must be applied before the release of results of a particular round. Penalties must always be disclosed to a competitor, so that the competitor is afforded the opportunity to appeal, as necessary.

**9.6.** Where a team is awarded a penalty, the penalty shall be evenly divided amongst the team members.

## **10. BLACKLISTING OF COMPETITORS**

**10.1.** For the purpose of this section:

- (a) a “competitor” means any person who entered into a competition administered by USQLS; and
- (b) “All competitions” means any competition that USQLS operates, including both internal competitions and external competitions that USQLS chooses to enter a team into.

- 10.2.** A competitor may be blacklisted for up to one year, whether from all competitions, or a limited selection of competitions.
- 10.3.** If a majority of the Competitions Committee believes that a competitor should be blacklisted, they will forward to the Executive:
- (a) A recommendation for the time that the competitor should be blacklisted; and
  - (b) Whether the blacklisting should be applied to all competitions, or a limited selection of competitions; and
  - (c) A statement of reasons that the competitor should be blacklisted.
- 10.4.** The Executive cannot blacklist a competitor without that competitor having been recommended for blacklisting by a majority of the Competitions Committee.
- 10.5.** The Executive must give at least seven (7) days' notice of a meeting at which the proposed blacklisting is to be decided to the competitor involved.
- 10.6.** The Executive must invite the competitor to respond to the proposed blacklisting in writing, or orally at the meeting if the Executive feels that it is appropriate.
- 10.7.** The question of whether a competitor is to be blacklisted is to be decided by a majority vote of the Executive.
- 10.8.** The Executive's decision to blacklist a competitor cannot be appealed.

## **11. APPEALS**

- 11.1.** Where a competitor or team wishes to lodge an appeal arising out of a competition:
- (a) If the matter is something for which the competitor or team witnessed in a round of a competition, they must advise a member of the Competitions Committee within thirty (30) minutes of that round concluding; or
  - (b) If the matter is something for which the competitor or team becomes aware at any later time, they must advise a member of the Competitions Committee within thirty (30) minutes of that later time.
- 11.2.** Competitors are not required to prepare substantive reasons for their appeal within the time outlined in Rule 11.1. The Competitions Committee are to arrange an appropriate deadline for appeal submissions, taking into account all of the circumstances that exist at that time.
- 11.3.** If a competitor gives notice of a pending appeal as outlined in Rule 11.1, the Vice President Competitions will convene an Appeals Tribunal to hear the appeal.
- 11.3.1** If the Vice President Competitions is competing in a competition where a competitor gives notice of a pending appeal the President will convene an Appeals Tribunal to hear the appeal.

**11.4.** The Appeals Tribunal shall ordinarily be composed of:

- (a) The Vice President Competitions;
- (b) The President of the USQLS; and
- (c) The Competitions Officer or the Competitions Convenors if the officer position is vacant.

**11.5.** Ordinarily, the Vice President Competitions will chair the Appeals Tribunal. If the Vice President Competitions is unavailable, the Tribunal will be chaired by the President.

**11.6.** Where any member of the Tribunal:

- (a) Has a conflict in accordance with the Judge Conflict Policy; or
- (b) Has competed in that competition; or
- (c) Is the person whose conduct is the subject of the appeal; or
- (d) Feels that they cannot remain unbiased;

that member shall excuse themselves from the Tribunal.

**11.7.** A replacement tribunal member will be drawn from the Executive and will be appointed by the members of the Tribunal that remain.

**11.8.** In exceptional circumstances, if there are no Executive members that are available to hear the appeal, a member of the USQLS committee may be appointed to the Appeals Tribunal.

**11.9.** The Appeals Tribunal is permitted to seek additional information from any other person present during the round, including but not limited to:

- (a) Judges
- (b) Other teams/competitors
- (c) Spectators

**11.10.** Where the appeal may impact upon the scoring of another team/competitor, the Appeals Tribunal must invite that team to make submissions on that point, if the team/competitor so wishes.

**11.11.** Within the time specified under Rule 11.2, the appealing competitor/team will provide submissions as to why their appeal should be accepted, in whatever form the Appeals Tribunal deems appropriate.

**11.12.** The Appeals Tribunal must dismiss all appeals that do not allege one of the following:

- (a) A clear breach of rules; or
- (b) A clear breach of procedural fairness; or

(c) Any other ground by which the competitor was denied an ability to fairly compete.

**11.13.** It is not sufficient for a competitor to appeal merely on the basis that they are unhappy with the decision reached in a particular round, or that they disagree with a matter about which a judge has discretion.

**11.14.** The Appeals Tribunal, having considered the information provided to it, must do one of the following:

(a) Dismiss the appeal because a ground outlined in Rule 11.12 has not been established to the Tribunal's reasonable satisfaction; or

(b) Accept the appeal.

**11.15.** If the Appeals Tribunal accepts the appeal, the Tribunal must then consider the effect that has occurred as a result of the successfully appealed conduct, and:

(a) If the Tribunal can be reasonably satisfied that the issue can be cured without the need to re-run the competition, order the Competitions Committee to take appropriate action to cure the issue; or

(b) If the Tribunal can be reasonably satisfied that the issue would not have affected the outcome of the competition, order that no action be taken in relation to the competition; or

(c) If the Tribunal cannot be reasonably satisfied that the issue can be cured without the need to re-run the competition, order that the round(s) of the competition affected by the issue be re-run.

**11.16.** The decision of the Appeals Tribunal is final and cannot be further appealed.

## **12. PRIZES AND AWARDS**

**12.1.** In each competition there will be at least two (2) results recognized. These will include:

a) The Winner/champion

b) The Runner-Up

**12.2** Where sponsorship is available, a monetary prize may be awarded to each of the two recognized achievers.

**12.3** Prize money is subject to sponsorship availability and must be advertised prior to the commencement of any competition.

**12.4** In the event of a tied score between competitors for the best advocate/ speaker prize, the competitors will share the prize equally.

**12.5** Prize money will be paid via direct deposit no later than 2 weeks after the completion of any competition; subject to the availability of the recipient's banking details.

**12.6** All competitors who reach a Grand Final must send their banking details to the USQLS Treasurer at [treasurer.usqls@gmail.com](mailto:treasurer.usqls@gmail.com) no later than 5 days prior to the Grand Final in order to receive their prize money in a timely fashion. Rule 12.5 will not apply if competitors have not supplied their bank details on time.

**12.7** If more sponsorship money is available, alternative prizes may be offered including the following:

- a) Best Advocate Award
- b) Encouragement Award
- c) Spirit of the Competition Award

## **13. EXTERNAL COMPETITION SELECTION**

### **A. Australian Law Students Association:**

**13.1.** To allow for organisation and preparation by competitors, USQLS will select teams to represent them at ALSA through an application and selection process.

**13.2.** The criteria for selection will be as follows:

- a) All applicants must be a current member of the USQ Law Society;
- b) All applicants must have a GPA of 5 or above;
- c) All applicants should have either competed in or be currently competing in a USQLS competition relevant to the team they are applying for;
- d) Preference will be given to applicants who have either reached the semi-finals, Grand Final or won any USQLS Competition;
- e) For Mooting, preference will be given to any applicant who has completed or is enrolled in Moot Court Bench LAW3466;
- f) Any other competition experience will be advantageous
- g) Applicants must be available and willing to attend the ALSA Conference in July.

**13.3.** To allow for current competition winners, the applications will close after the completion of the quarter finals of the Championship Moot Tournament.

### **B. National Moot Competitions**

**13.4.** USQLS may, from time to time, select moot team competitors to represent USQ in national moot competitions, including but not limited to:

- (a) The Gibbs Constitutional Law Moot;
- (b) The Administrative Appeals Tribunal Moot;
- (c) The National Women's Moot;
- (d) The Shine Torts Moot;
- (e) The Hon. Michael Kirby National Contracts Moot

(f) The ANIMAL Moot; and

(g) Other such competitions.

**13.5.** Selection of competitors will be by application, assessed by a competition selections panel. The selections panel will be decided by the USQLS Executive and will ordinarily include at least one Executive member and one member of staff.

**13.6.** It is not appropriate for any applicant for a national moot competition to be a member of the selections panel.

**13.7.** The selection panel shall consider the following policy considerations:

(a) That Championship Moot and International Humanitarian Law Moot winners are ordinarily allocated to moots as first priority;

(b) That a person involved in the administration of the Championship or International Humanitarian Law Moot should have their performance in previous years considered, so that they do not experience disadvantage for not having competed in the current year;

(c) That a person who was unavailable for the Championship and International Humanitarian Law Moots based on international mooting obligations should have their performance in previous years taken into account, so that they do not experience disadvantage for not having competed in the current year;

(d) That any competitor who has competed in USQLS Open Competitions should be given priority over an applicant who has not;

(e) That any competitor who has competed in USQLS Junior Competitions should be given priority over an applicant who has not;

(f) That, where two competitions substantially overlap (including in preparation time), no person should compete in more than one moot at a time.

**13.8.** The selection panel shall apply, as criteria for selection, the following considerations (in order of importance):

(a) Previous mooting experience, including relevant success at previous national or international moots;

(b) Other relevant advocacy experience, whether through competition, academics, extra-curricular activities (such as debating) and the like; and

(c) Preferences of the competitors.

**13.9** Once the selection panel has chosen its competitors, an executive vote will be held by the law society executive as a final mechanism in determining a competitor's eligibility.

### **C. Intra-state and Ad-hoc Moot competitions**

**13.10.** Intra-state and Ad-hoc moot competitions include QILC, and other ad hoc moots.

**13.11.** Teams for Intra-state and Ad-hoc Moot competitions will be selected at the discretion of the USQLS Executive and will then be put forward to an executive vote.

#### **D. General External Competition Policies**

**13.12.** It is USQLS policy that all members of a representative moot team should have the opportunity to moot. A team member may only act as a solicitor if that member consents to do so.

**13.13.** It is USQLS policy that any rights to competitors conferred by this policy can be revoked due to poor behavior which threatens to damage the reputation of the USQLS.

**13.14.** Competitors are not ordinarily entitled to attend the same external competition more than twice. However, a competitor may make a submission to the USQLS Executive as to why this rule should be waived in the circumstances applicable to them.

**13.15.** Where a conference is host to multiple competitions, each competition at that conference shall be considered distinct.

**13.16.** The USQLS Executive may approve a competitor's attendance at a competition if it accepts a submission under Rule 13.14 by majority vote.

**13.17.** If a person has only participated in a moot competition as a solicitor, this will not count toward the cap set out in rule 13.14.